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Attached is the daily news report for Jan. 25.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JANUARY 25, 2017

1. Lawmakers hope to create Utah state parks at Hole-in-the-Rock, Little Sahara

The Salt Lake Tribune, Jan. 24 | Brian Maffly

Utah lawmakers are angling to create two new state parks on federal lands, one at Little Sahara in Juab County and the other at Hole-in-the-Rock, the famous cleft in a cliff over the Colorado River that was successfully traversed by Mormon pioneers.

2. Utah House Republicans push to eliminate Bears Ears Monument, shrink Grand Staircase-Escalante

The Salt Lake Tribune, Jan. 24 | Lee Davidson

Utah legislators plan to ask President Donald Trump not only to rescind the just-created Bears Ears National Monument, but also to erase large portions of the Grand Staircase-Escalante National Monument created a generation ago.

3. Federal agencies outline the next steps for Bears Ears

The San Juan Record, Jan. 24 | Staff Writer

On January 19, 2017, before Donald Trump was sworn in as the 45th president of the United States, the federal land agencies involved in the Bears Ears National Monument released the following press release.

4. If You Support Public Lands, Steer Clear of Utah

The Pacific Standard, Jan. 25 | Jimmy Tobias

Salt Lake City recently hosted Outdoor Retailer, the massive recreation industry trade show that takes place twice a year in the city's convention center and generates an annual \$45 million for Utah's economy. As thousands gathered to hit the slopes and test new winter gear from companies like REI, Mountain Hardware, and more, Peter Metcalf, the founder of Black Diamond and one of the industry's leading luminaries, dropped a bold bombshell.



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5. PUBLIC LANDS: Chaffetz proposes sell-offs, elimination of police posts

E & E News, Jan. 25 | Jennifer Yachnin

Utah Rep. Jason Chaffetz (R) last night introduced a pair of bills aiming to reduce the federal presence in his state and across the West by disposing of 3.3 million acres of federal public land while also eliminating hundreds of law enforcement positions at the Bureau of Land Management and Forest Service.

6. If you value America's public lands, you need to help save them

The Standard-Examiner, Jan. 25 | Jack Troyer

Could we really lose our treasured national forests and public lands?

The short answer is maybe. It will depend upon how much the tens of millions of people who love and use these lands are willing to become involved to save them.

7. Federal reps predict Trump's hiring freeze will diminish public services

The Standard-Examiner, Jan. 25 | Leia Larsen, Mitch Shaw & Cathy McKittrick

OGDEN — In one of his first official acts Monday, President Donald J. Trump signed a memorandum imposing a hiring freeze of new and existing federal civilian employees across the board, except for military, national security and public safety jobs.

8. Navajo, Ute, Hopi Tribal Leaders Fight To Have A Voice In Bears Ears Management

Utah Public Radio, Jan. 25 | Jon Kovash

We were a stones throw from the Arizona border. Hundreds of mostly Navajos and Utes, from Utah and the Four Corners, traveled long miles in sudden winter conditions, to gather at the well-heated Monument Valley Welcome Center. Residents of remote desert chapters mingled with the highest ranks of elected leadership from the Navajo Nation and the Utah Dine Bikeyah, and a smattering of sympathetic activists from regional environmental groups. Marc Thomas from Moab represented the Utah Sierra Club.



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9. Can Utah's Mike Noel run the BLM, an agency he despises?

The Salt Lake Tribune, Jan. 25 | Brian Maffly

As Utah state Rep. Mike Noel actively courts support for his bid to become the next director of the Bureau of Land Management, conservation and outdoor business interests are questioning the Kanab lawmaker's ability to effectively run an agency he has relentlessly condemned since quitting it 20 years ago.

E&E/NATIONAL NEWS – TOP STORIES

1. Judge finds Oregon standoff defendant Jake Ryan's statements to FBI were voluntary

The Oregonian/OregonLive, Jan. 24 | Maxine Bernstein

A judge Tuesday found no basis to suppress statements that Oregon standoff defendant Jake Ryan made to FBI agents before his arrest on federal conspiracy and weapons charges.

2. When 'social gov' goes quiet

FCW News, Jan. 24 | Troy K. Schneider

Are agencies experiencing tweet anxiety?

3. No sage-grouse spotted at bird count for second straight year

The Uinta County Herald, Jan. 24 | Tim Gorman

On Jan. 1, field participants braved cold weather (low of -5 and high of 29 degrees) and snow to spend part, or all, of a beautiful winter day observing birds. An additional birdwatcher manned a bird feeder for the event. A total of 35 different species and 1,883 birds were recorded.

4. Op-ed: Standing again with Standing Rock to defend water, land and life

The Oregonian/OregonLive, Jan. 23 | Maxine Bernstein

The effort to halt the environmentally damaging energy production and transfer methods of the Keystone XL and Dakota Access pipelines is a stand for future generations of Americans, and ourselves, to live a healthy life. If we truly support life, we must stop plundering the earth that enables life to be born and sustained.



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5. Op-ed: What Obama gave the West

High Country News, Jan. 25 | Jamie Williams

The American West should be grateful to President Barack Obama. His stewardship of land and waters has ranged from Puerto Rico to the farthest reaches of Alaska, but his conservation efforts in the Western United States stand out. He took up long-overdue energy reforms on the public lands that are owned by all Americans, and he connected the dots between energy development and the greenhouse gases produced by it that contribute to climate change.

6. SUPERFUND: Obama appointee slams EPA mining rule

E & E News, Jan. 25 | Dylan Brown

Proposed changes to Superfund insurance standards for the hardrock mining industry earned U.S. EPA a scolding from a federal watchdog.

7. OIL AND GAS: Western energy group launches publication

E & E News, Jan. 25 | Pamela King

A Denver-based trade group representing Western oil and gas operators this morning launched a publication that will cover development in the West.

8. PIPELINES: Trump's U.S. steel directive likely violates trade law

E & E News, Jan. 24 | Amanda Reilly

President Trump's executive order yesterday requiring pipeline developers to use steel made in the United States would likely violate 70 years of settled international trade law.

9. REGULATIONS: House prepares to kill coal, methane rules

E & E News, Jan. 25 | Arianna Skibell

The House plans to start the process of overturning major Obama administration environmental regulations as early as next week.



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10. POLITICS: Dems fret, GOP is blasé over gag on federal scientists

E & E News, Jan. 25 | Scott Waldman

The Trump administration's new restrictions on federal agencies' public communication — particularly where climate change is concerned — have divided lawmakers on Capitol Hill.

11. PIPELINES: Enviros, now on the outs with White House, look to the courts

E & E News, Jan. 25 | Jean Chemnick and Emily Holden

President Trump yesterday began making good on his promises to boost the oil and gas industry, signing memos reviving two controversial pipelines that have become the face of the climate movement and officially kicking off a war with environmentalists.

12. NUCLEAR: Miners, downwinders health claims bill re-emerges

E & E News, Jan. 25 | Dylan Brown

Five Western senators yesterday resumed their push for expanding health care benefits for uranium miners and people exposed to radiation after above-ground nuclear weapons tests decades ago.

13. PUBLIC LANDS: Sportsmen plead with House members to preserve federal estate

E & E News, Jan. 25 | Jennifer Yachnin

A coalition of 20 sportsmen's groups issued a plea to House lawmakers yesterday to discourage would-be efforts to offload federal public lands, pointing to the chamber's adoption of rules earlier this month that designate federal land transfers as cost-free.

14. INFRASTRUCTURE: Trump plan to tap energy revenues faces budget realities

E & E News, Jan. 25 | Geof Koss

President Trump's plan to use federal energy revenues to pay for infrastructure projects is raising budget questions among lawmakers on Capitol Hill, who nonetheless expressed bipartisan interest in learning more about the White House proposal.



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15. COAL: Groups press lawmakers to preserve stream rule

E & E News, Jan. 25 | Dylan Brown

Environmental and community groups from across the country today demanded that pro-mining lawmakers drop plans to kill the Interior Department's new Stream Protection Rule.

16. FEDERAL AGENCIES: Watchdog group sues BLM over land purchase records

E & E News, Jan. 25 | Jennifer Yachnin

The Cause of Action Institute today sued the Bureau of Land Management in federal court, demanding the agency turn over public records related to its acquisition of new lands.

17. WHITE HOUSE: Environmental, land concerns follow Trump immigration orders

E & E News, Jan. 25 | Geof Koss

President Trump today fulfilled a central campaign promise by signing an executive order directing the construction of a wall along the U.S.-Mexico border, the cost of which his spokesman said would be borne by Mexico.

18. POLITICS: Prepare to defend your work, Gingrich tells scientists

E & E News, Jan. 25 | Scott Waldman

Newt Gingrich, the former House speaker and longtime surrogate for President Trump, told a crowd of scientists and researchers that they should be prepared to defend their work to the Trump administration.

19. ENDANGERED SPECIES: Trump admin delays policy for voluntary conservation deals

E & E News, Jan. 25 | Emily Yehle

The Trump administration announced today that it will delay the implementation of a rule that changes the criteria for voluntary conservation agreements with landowners.



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20. COAL: Bipartisan lawmakers offer bill to aid laid-off miners

E & E News, Jan. 25 | Dylan Brown

Congressmen from both sides of the aisle yesterday floated a bill that would free up \$20 million to help retrain laid-off coal miners for new jobs.



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UTAH – FULL STORY

1. **Lawmakers hope to create Utah state parks at Hole-in-the-Rock, Little Sahara**

The Salt Lake Tribune, Jan. 24 | Brian Maffly

Utah lawmakers are angling to create two new state parks on federal lands, one at Little Sahara in Juab County and the other at Hole-in-the-Rock, the famous cleft in a cliff over the Colorado River that was successfully traversed by Mormon pioneers.

The historic Hole-in-the-Rock site is in Glen Canyon National Recreation Area, a two-hour drive down the rugged Hole-in-the-Rock Road from Escalante.

Mormon heritage groups would like to expand trekking operations here, but these efforts are thwarted by federal land agencies' 12-person limits on group sizes and a lack of camping and staging facilities. A new state park could solve these problems and promote economic development, according to bill sponsor Rep. Keven Stratton, R-Orem.

"There's an opportunity to create a multi-use area in that historically significant area for our state," Stratton said Tuesday at a hearing before the House Political Subdivisions Committee. "It would be revenue neutral for our state. This would all be consent by the Legislature."

With its three Democratic members voting against, the committee advanced HB63.

"It looks a little developmental and explorative," said Rep. Elizabeth Weight, D-Salt Lake City. "It looks like all the steps proposed here can proceed in terms of the possibility of this happening without this act."

HB63 authorizes the Utah Division of State Parks and Recreation to acquire federal land in Garfield County near where the pioneer expedition cut the trail down a steep crevice. State officials might negotiate a lease or some other agreement with the National Park Service and the Bureau of Land Management to operate a park.

The pioneer company — which included 250 pioneers from Parowan, many of them children, as well as 1,000 head of livestock and 83 wagons — dubbed the spot Hole-in-the-Rock, a name that has stuck to the historic trail that led from Escalante across what are now the Grand Staircase Escalante and Bears Ears national monuments to Bluff.



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The perilous six-month journey over the winter of 1879-80 is a signature achievement of Mormon settlement in southeastern Utah. No lives were lost and two babies were born on the trip that was supposed to have taken only six weeks.

The park would be associated with the Escalante Heritage Center now under development in Escalante on land donated by the Church of Jesus Christ of Latter-day Saints, according to former Mayor Jerry Taylor, now a Garfield County commissioner.

"We've already put \$2 million into this project," Taylor told the committee Tuesday, adding that making it a state park would benefit Garfield County and Utah as a whole. But one environmental group looks on the idea with suspicion.

"Federal public lands should remain in federal hands," said Mathew Gross, media director with the Southern Utah Wilderness Alliance. "Utah has a patchy track record in funding and managing its state parks. Luckily, the state of Utah doesn't have final say over this issue."

Stratton emphasized that the bill merely directs State Parks to "study the feasibility" of working with federal partners toward establishing a new park.

"I hope they would be receptive to improving and making the land more accessible, especially given the notion that it is a historical landmark," Stratton said. "There is frustration in the past because of a lack of resources."

Another new bill would establish a state park at Little Sahara, the sandy hills in Juab County popular with dune riders. Sponsored by Rep. Steve Eliason, R-Sandy, HB95 also recommends designating the 9,000-acre Rockwell Outstanding Natural Area as a wilderness area, renamed in honor of the late congressman Bill Orton.

Both park proposals were introduced last session, but neither passed despite unanimous approval in the House.

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2. Utah House Republicans push to eliminate Bears Ears Monument, shrink Grand Staircase-Escalante

The Salt Lake Tribune, Jan. 24 | Lee Davidson

Utah legislators plan to ask President Donald Trump not only to rescind the just-created Bears Ears National Monument, but also to erase large portions of the Grand Staircase-Escalante National Monument created a generation ago.

"We want to downsize some of its boundaries — protect those areas that people visit, and downsize the rest," said Rep. Mike Noel, R-Kanab, who led a discussion of those plans Tuesday in the House Republican Caucus.

"There's a whole lot of just plain old sagebrush roped into these monuments," he said, claiming the designations prevent ranching, mining or other activities that could help rural economies.

Environmental groups and Democrats blasted the GOP plan.

"The message that Utah is sending by even suggesting this is nothing short of outrageous," said Steve Bloch, legal director for the Southern Utah Wilderness Alliance. "This would be a tragic mistake for the president to undo two decades of conservation work that has been heralded across the world as a visionary step by President Clinton to protect a world-class resource," he said, referring to Grand Staircase.

House Minority Leader Brian King, D-Salt Lake City, questioned, "Have they made any attempts to find out what people down there think?"

He said many residents in the Grand Staircase area now make their living in part from visitors to the monument. "I think people are getting a little ahead of themselves."

No president has ever attempted to rescind a monument, and many contend no such authority exists in law.

But Noel — who is under consideration by the Trump administration to become director of the U.S. Bureau of Land Management — said presidents have in 14 cases adjusted boundaries or the size of monuments, "so that's a given we can do that."

Bloch discounted that.



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"The fact that presidents have made minor boundary adjustments over time, none of which were reviewed by federal courts, does not mean that President Trump has a green light to vastly alter the size of either Bears Ears or the Grand Staircase," he said.

Meanwhile, Noel told GOP lawmakers he feels legal arguments are strong that a president can rescind a monument. "A president can make a monument. Another president can reverse a monument."

But Bloch said the "conservation community would quickly litigate" any attempt to rescind Bears Ears or vastly reduce Grand Staircase.

Ever since President Barack Obama created the Bears Ears monument on Dec. 28 on his way out of office, local elected leaders have hoped aloud that Trump would try to reverse it. Now at the same time, they want him to erase parts of Grand Staircase, which was created over objections then by President Bill Clinton on Sept. 18, 1996.

"Both these monuments are in my district," Noel said. "Both of these monuments were illegal in my view. They were done as a result of wanting to pay off environmentalists," the conservative lawmaker alleged, citing provisions of the 1906 Antiquities Act that require a monument to be as small as possible to protect threatened resources.

Grand Staircase includes 1.9 million acres, which is larger than Delaware. Bears Ears has 1.35 million acres.

Noel said while GOP lawmakers plan to ask Trump for a full repeal of Bears Ears, "If that doesn't work, the next thing would be probably a partial repeal with an area selected around Bears Ears."

He said some talk was made of trying to reverse Grand Staircase after the Clinton administration when George W. Bush took office, but that administration declined.

"We now have an opportunity for two years [with GOP control in Congress] to do some things ... so we can benefit from the use of our public lands," he said.

Noel said Utah's congressional delegation requested a resolution from the Legislature asking Trump to rescind Bears Ears. He said it is being drafted. To show its importance, he said House Speaker Greg Hughes and Senate President Wayne Niederhauser plan to sponsor it in each chamber.



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Noel said laws prohibiting theft or vandalism of artifacts have long protected the archaeological-rich Bears Ears area in southeastern Utah, as have environmental and other land-use laws.

But because of new attention to the area because of the monument designation, "Security could be beefed up there."

A coalition of American Indian tribes, including the Navajo Nation, pressed for designation of the monument after what they said were failed attempts to have a voice in legislation sponsored by Congressman Rob Bishop, R-Utah.

Rep. Keven Stratton, R-Orem, said during the discussion, "We want to protect that which needs to be protected," but "let's release those areas that don't need the protection of the Antiquities Act."

Stratton, like Noel, is a vocal advocate of transferring control of federal public lands to states.

That is in contrast to Trump's nominee for Interior secretary, Montana Rep. Ryan Zinke, who has been sharply critical of such land-transfer efforts, even resigning as a delegate to the Republican National Convention last summer over its platform plank in support of this movement.

Still, Zinke suggested during a confirmation hearing this month that he and the administration might be open to redrawing monument borders, perhaps even rescinding them.

"There's no doubt the president has the power to amend a monument," Zinke said. "It will be interesting to see if a president can nullify a monument. Legally, it's untested."

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3. Federal agencies outline the next steps for Bears Ears

The San Juan Record, Jan. 24 | Staff Writer

On January 19, 2017, before Donald Trump was sworn in as the 45th president of the United States, the federal land agencies involved in the Bears Ears National Monument released the following press release.

This information may change as the new Administration begins to implement new policy direction. Members of the Obama Administration were working to the last minute in order to implement policies for the new monument.



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One career employee in a federal agency, describing the political appointees in the federal agencies before the transition, quipped, “They are working tirelessly to manage this monument from beyond the grave.”

President Barack Obama designated Bears Ears National Monument (BENM) in southeastern Utah on December 28, 2016.

Concurrently, Secretary of the Interior Sally Jewell and former Secretary of Agriculture Tom Vilsack announced that the agencies would conduct open house meetings to begin engaging with the public and stakeholders.

The BLM and US Forest Service (USFS) have reached out to state and local government, stakeholders, and the tribes to schedule meetings this month and will host open houses with the public beginning in February.

“The issuance of the proclamation designating the Bears Ears National Monument provides a new opportunity for public engagement and collaboration with partners and state and local government. I understand the strong feelings behind this new designation, both for and against, and I am committed to listening. Maintaining relationships will be the key to our success,” said Ed Roberson, BLM-Utah State Director.

Managing a national monument requires input, coordination, and expertise from many people, and public involvement is a key part of the process.

To ensure there is input and coordination during the planning process and in monument management, the proclamation established a Bears Ears (Tribal) Commission and directed the BLM and the USFS to create a new Monument Advisory Committee (MAC).

Consistent with current commitments and to further the ongoing public conversation about the monument, the BLM and USFS are dedicated to listening to concerns and moving forward in a measured way.

“We are committed to collaborating with state and local governments, tribal nations and individuals in developing a plan for co-management of the monument,” said Nora Rasure, USFS Regional Forester.

“The designation of the monument will help ensure the area’s unique biological diversity, recreational opportunities, geologic features, archaeological resources, wilderness and scenic resource are conserved for future generations.”



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This winter, the BLM and USFS will engage with a variety of interested parties. “Open houses will provide a forum for the public to ask questions regarding the boundaries, requirements, and effects of the proclamation, including what has changed and what has not,” said Roberson. Opportunities for engagement will continue to develop.

On January 18, 2017, Secretary of the Interior Sally Jewell signed a charter for creating the MAC. The BLM will publish a call for nominations in the Federal Register to recruit 12 members for the new MAC, including representation from state and local governments, tribes, recreation users, local business owners and private landowners.

The MAC will consist of citizens and representatives with a variety of backgrounds who will advise the BLM and USFS on developing a monument management plan and on key issues for managing the new national monument.

In late February, the BLM and USFS will host the first public open house. The BLM and USFS will also meet with the five tribes identified in the proclamation as forming the Bears Ears Commission (the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe).

The two agencies will also meet with other tribes that have a cultural affiliation with the area identified in the Bears Ears National Monument proclamation. The BLM and USFS look forward to meeting with key partners including San Juan County and the State of Utah.

The BLM and USFS will develop additional website content for the national monument, social media posts, and provide more detailed map information. As new steps and stages develop, the agencies will provide additional information to the public.

Bears Ears National Monument consists of 1.35 million acres of public land that the BLM and USFS managed prior to the designation, and marks the fifth national monument jointly managed by the BLM and USFS.

The national monument was designated to protect American Indian heritage and archaeological resources, as well as natural and paleontological resources in the Bears Ears region, a designation that was first envisioned 80 years ago.

The BLM manages 1.06 million acres and the USFS manages 290,000 acres of the national monument.

For more information, please see the respective agency websites: BLM and Forest Service.



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4. If You Support Public Lands, Steer Clear of Utah

The Pacific Standard, Jan. 25 | Jimmy Tobias

Salt Lake City recently hosted Outdoor Retailer, the massive recreation industry trade show that takes place twice a year in the city's convention center and generates an annual \$45 million for Utah's economy. As thousands gathered to hit the slopes and test new winter gear from companies like REI, Mountain Hardware, and more, Peter Metcalf, the founder of Black Diamond and one of the industry's leading luminaries, dropped a bold bombshell.

In an op-ed published in the Salt Lake Tribune during the show's second day, he called on Outdoor Retailer to abandon Utah when its convention center contract comes up for renewal in 2018.

"It's time," he said, "for Outdoor Retailer to leave the state in disgust." His words were soon echoed by other industry leaders, including Patagonia founder Yvon Chouinard, who said the trade show "can find a more welcoming home."

The source of their discontent is simple: Utah's sustained war on public lands and federal conservation policy.

"Gov. Gary Herbert and Utah's D.C. delegation are leading a national all-out assault on the sanctity of Utah and the country's public lands," Metcalf wrote. "Together, Utah's political leadership has birthed an anti-public lands political agenda that is the driving force of an existential threat to the vibrancy of Utah and America's outdoor industry...."

Metcalf's assessment is accurate, and his prescription is on point. Federal lands are the economic backbone of the outdoor industry. They are a source of great fulfillment for its clients. Without them outdoor recreation as we know it would be finished. So, yes, Outdoor Retailer ought to get out of Utah altogether. And if that economic punishment isn't enough to convince Utah's leadership that its public lands policies are pure folly, then outdoor recreationists of all stripes—from skiers to backpackers to backcountry hunters and anglers—should consider boycotting the state outright.

After Metcalf's declaration appeared in print, Herbert immediately disputed it. The op-ed, it seems, unsettled him.



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“There is no all-out-assault against Utah’s public lands,” said one of the governor’s spokespeople in a statement to the Salt Lake Tribune. “Gov. Herbert has been clear that Utah is, always has been, and always will be a public lands state.”

Despite his claims, however, Herbert’s Utah is a bona fide breeding ground of anti-public-land extremism. The governor himself signed into law Utah’s infamous 2012 Transfer of Public Lands Act, which demanded the federal government deliver most national forests and BLM parcels within state borders to the right-wing legislature’s control. His administration and its Public Lands Policy Coordinating Office have also helped lay the groundwork for a federal lawsuit, which, if filed, would strive to force the same sort of large-scale land transfer in the courts. Utah’s Congressional delegation, meanwhile, is the most radical anti-land, anti-wildlife faction in Washington. Led by Representative Rob Bishop, the chairman of the House Committee on Natural Resources, Utah politicians have pushed to sabotage the Antiquities Act, the Endangered Species Act, and other key elements of America’s conservation heritage.

The state is home to other anti-conservation crusaders as well, including the American Lands Council, which seeks to spread the land transfer idea into other Western states. That group, though a non-governmental organization, counts as dues-paying members many county governments across Utah.

Even though most of the aforementioned policies have yet to produce results, they’ve still managed to poison the rhetoric around federal lands. They have injected American discourse with a dose of extreme anti-government libertarianism that would railroad our land rights in the name of ideological purity and private gain. If you love to hunt or fish or ski or bike or hike or camp on the federal domain, Utah’s government is against you.

Now, however, a backlash is building. The outdoor industry is a growing political force. Just last year, for instance, the Department of Commerce started compiling data on the economic benefits of outdoor recreation across the country. It was a key policy victory in the sector’s struggle for official recognition. And this month the Outdoor Industry Association, the leading industry trade group, launched the “Together We Are a Force” initiative, which aims to rally outdoor retail companies to promote climate action, push for friendly trade policies and protect public land.

One early test of this new force will be whether it decides to pull out of Utah. OIA, which is Outdoor Retailer’s principal organizer, indicated last week that it is open to the idea.

America’s public lands “are critical and any threat to their protection is a threat to the outdoor industry,” wrote OIA and Outdoor Retailer in a joint response to Metcalf’s op-ed. “The Outdoor



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Industry Association and Outdoor Retailer will continue to listen to members and show attendee feedback on both the appropriate venue for the show as one factor along with considering the need to have the show in a location that meets the business requirements of the industry.”

If Outdoor Retailer does leave Utah, one hopes the move might send Herbert a clear message: He is messing with the wrong community. Should it fail to do so, however, outdoor recreationists could ramp up the pressure with a prolonged Utah boycott.

Already the Center for Western Priorities, a non-partisan conservation organization, has urged outdoor enthusiasts to avoid Utah. The group’s U-Turn Utah campaign has placed advertisements on billboards and in publications across the West, directing tourists to steer clear of the state until it changes its ways.

There’s room to build on this work. People could convince their family and friends to forgo trips to Utah in 2017. Instead of visiting Zion or Arches or Grand Escalante, check out Glacier or Hells Canyon or the beautiful Boundary Waters. Instead of trout fishing or floating in the state, head to Montana or Idaho, which have better stream access laws anyhow. Instead of skiing or snowboarding at Park City, check out Big Sky, Crested Butte, or Jackson.

Recreationists could also appeal to people like Robert Redford, a well-known public lands supporter, who might encourage the Sundance Film Festival to temporarily leave the state. Sundance-in-exile could spend a few years in Bend or Santa Fe or the Colorado Rockies until Utah makes amends.

“Would a visitation boycott work? I don’t know. Could you convince people to travel elsewhere? I don’t know,” says Aaron Weiss, the media director at the Center for Western Priorities. “But if some people decide to go down the boycott road I certainly wouldn’t be surprised.”

Boycotts are powerful. Look at North Carolina, where a national boycott in response to the state’s transphobic “bathroom bill” helped lead to the recent electoral defeat of former Governor Pat McCrory. Unlike McCrory, Herbert was re-elected in November for a second full term as Utah’s governor. It’s not too late, nevertheless, to strike a little economic fear into the heart of his anti-conservation administration.

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5. PUBLIC LANDS: Chaffetz proposes sell-offs, elimination of police posts

E & E News, Jan. 25 | Jennifer Yachnin

Utah Rep. Jason Chaffetz (R) last night introduced a pair of bills aiming to reduce the federal presence in his state and across the West by disposing of 3.3 million acres of federal public land while also eliminating hundreds of law enforcement positions at the Bureau of Land Management and Forest Service.

Chaffetz, who serves as chairman of the House Oversight and Government Reform Committee, has previously floated the proposals, both via legislation and in the House Republican budget.

Under his reintroduced H.R. 621, the Utah lawmaker is pushing for the sale of lands identified as suitable for sale or exchange in a 1997 Interior Department report. The Clinton administration-era report identified the 3.3 million acres across 10 states in an effort to benefit an Everglades restoration effort in Florida.

"The long overdue disposal of excess federal lands will free up resources for the federal government while providing much-needed opportunities for economic development in struggling rural communities," Chaffetz said in a statement, echoing previous statements he has made about disposing of the same lands (E&E Daily, March 22, 2012). The bill would target 132,931 acres of land in the Beehive State.

The House approved rules earlier this month that would make it easier for the chamber to pass off public lands to state and tribal governments by designating federal land transfers as cost-free. Currently the Congressional Budget Office scores federal land conveyance bills based on estimates including the loss of revenue from drilling, logging, grazing and other activities.

House Natural Resources Chairman Rob Bishop (R-Utah) refuted suggestions that the rule change is part of a strategy to ease the path for a wholesale sell-off of public lands, however, asserting the rules change was pursued as an accounting measure.

'Local control in law enforcement'

Chaffetz also reintroduced H.R. 622, the "Local Enforcement for Local Lands Act" that he first proposed in early 2016.



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The measure would eliminate about 300 law enforcement rangers or special agents within BLM as well as more than 700 law enforcement officers at the Forest Service and replace them with deputized local officials.

"It's time to get rid of the BLM and U.S. Forest Service police. If there is a problem, your local sheriff is the first and best line of defense. By restoring local control in law enforcement, we enable federal agencies and county sheriffs to each focus on their respective core missions," Chaffetz said.

In addition to public safety, the BLM and Forest Service agents are responsible for protecting wildlife, habitats, minerals, timber and archaeological treasures.

Some elected officials chafe at the presence of federal law enforcement, asserting the agencies infringe on the job of local officials.

The Chaffetz bill, co-sponsored by Utah GOP Reps. Mia Love and Chris Stewart, would also reimburse local law enforcement based on the percentage of public land in each state.

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6. If you value America's public lands, you need to help save them

The Standard-Examiner, Jan. 25 | Jack Troyer

Could we really lose our treasured national forests and public lands?

The short answer is maybe. It will depend upon how much the tens of millions of people who love and use these lands are willing to become involved to save them.

If you enjoy camping, hunting, fishing, skiing, mountain biking, snowmobiling, taking an OHV ride, horseback riding, bird watching, rafting, mountain climbing, and many other outdoor recreation activities without having to face a No Trespassing sign, then you should get involved in efforts to save them.

Very few of you enjoy these activities on private land. You go to the wonderful public lands that every American owns. If you do not oppose the efforts to dispose of our public lands, there certainly is a chance it could happen. It will not happen through the court system, despite the wishes of those who want to keep trying in the face of decades of settled law. But it could happen if Congress changes its mind and decides we don't need them any more. One bill passed by Congress and signed by the president could do it.



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I think President Theodore Roosevelt was right. Our public lands belong to all Americans and should be managed under federal protection. Roosevelt acted to save America's diminishing natural resources and brought 230 million acres of public land under increased protection as national forests, refuges, parks, and monuments. These public lands are the envy of the world and managed using scientific principles that have become the bedrock of public land management policy. Go in any direction here in Utah and enjoy the fruits of those wise decisions we have enjoyed for well over 100 years.

History shows giving the national forests and public lands to the states would be a step to their eventual sale to the highest bidder. Most of the Western states have land they were given at statehood. In total, Western states have disposed of about 31 million acres of their lands, according to National Wildlife Federation data. Here in Utah, of the 7.5 million acres of state trust land Utah was given upon statehood, Utah manages 3.4 million acres.

Make no mistake about it — the next state budget crisis or \$100 million fire suppression bill will bring calls to raise money from a land sale. And there goes your heritage, along with your favorite mountain or lake. Worse yet, for many of you who work in the incredibly large outdoor recreation industry that depends on these lands being available for average Americans, there goes your job.

You might have heard of the recent sale of 172,000 acres of Boise Cascade timberland north of Boise, Idaho. The billionaire Wilks brothers from Texas bought it and immediately closed it to hunting and other recreation. They cancelled leases with Valley County to maintain roads that provided access to snowmobile trails on public land. All of this is their prerogative, of course, because it is now their land. But think for a moment how you would feel if this happened to the Uinta Wasatch Cache National Forest you see from your front door.

The folks who want to transfer our public lands to state or private ownership won an early victory in the new Congress. On the first day of its new session, the House passed a new rule designed to make it easier to transfer lands to states, local communities, or Indian tribes by assuming these transfers would not cost the federal government anything. Not a single dollar. This eliminates one budgetary barrier to land transfer bills.

So what to do? We in the National Association of Forest Service Retirees believe the answer is to get involved in whatever way you can. If you are an elk hunter, join the Rocky Mountain Elk Foundation. If you snowmobile, join your local snowmobile association. If you enjoy watching birds, join the National Audubon Society. There is an organization for every outdoor pursuit. Then you can work together with friends and make a difference.



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And above all, as an individual, contact all your legislators, go to their town hall meetings, and let them know what you think.

I think the saddest question I might hear someday will come from a child who asks his or her grandparents this question: What was it like when you could just go to the mountains?

Jack Troyer retired as an Intermountain regional forester after a 39 year career with the U.S. Forest Service. He serves as a board member of the National Association of Forest Service Retirees and lives in Ogden.

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7. Federal reps predict Trump's hiring freeze will diminish public services

The Standard-Examiner, Jan. 25 | Leia Larsen, Mitch Shaw & Cathy McKittrick

OGDEN — In one of his first official acts Monday, President Donald J. Trump signed a memorandum imposing a hiring freeze of new and existing federal civilian employees across the board, except for military, national security and public safety jobs.

How this action will affect northern Utah workers and households remains to be seen, but the Internal Revenue Service facilities and Hill Air Force Base serve as the area's largest employers, with about 6,000 people working at the IRS and 10,000 to 15,000 at HAFB, according to the Utah Department of Workforce Services.

In an emailed statement Tuesday, Tony Reardon — president of the National Treasury Employees Union — expressed strong opposition to the hiring freeze, noting that Utah is home to approximately 43,500 federal workers, of which almost 23,000 reside in Utah's 1st Congressional District.

“A hiring freeze will increase backlogs, decrease the availability of public services and cause more frustration for Americans seeking help from their government,” Reardon said. “NTEU represents thousands of IRS employees in Utah. Today is the start of the tax filing season and I am very concerned about tax refunds being delayed. Federal employees need staffing and resources to carry out their important work on behalf of the American people.”

The federal workforce has significantly shrunk since 1967, Reardon said, with 2.1 million today compared to 3 million 50 years ago. During that same period, the nation's population grew by 120 million.



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In early January, Reardon attempted to head off the pending freeze. On NTEU's behalf, 106 members of Congress asked then President-elect Trump to reconsider his plan, which echoed similar action taken by former President Ronald Reagan immediately following his inauguration in 1981. The NTEU represents 150,000 employees across 31 agencies and departments.

In addition to loss of ability to deliver vital services, Reardon cautioned the freeze "could lead to disastrous short-term and long-term impacts at many agencies as employees depart and there is no replacement to train or take on the work."

Protecting taxpayer dollars?

According to Trump's two-page order, hiring will remain on ice until the Office of Management and Budget and Office of Personnel Management devise and implement a long-term plan to reduce the size of the federal workforce through attrition.

The New York Times reported Monday that White House Press Secretary Sean Spicer said the president's hiring freeze was the result of a desire to show greater care for taxpayers' money.

Monty Lewis, president of the American Federation of Government Employees Local 1592 — the union that represents thousands of mechanics, electricians, sheet-metal workers and many others at HAFB — predicted the freeze would harm critical missions on base.

"We have workloads, those associated with the F-35 and the F-22 in particular, that are basically going to double (in the near future)," he said. "And we're already short multiple spots."

On Tuesday afternoon, Lewis said he was still gathering information and trying to pin down details regarding Trump's plan, which laid out exceptions for military, national security and public safety personnel.

"He's said no military, but we don't know exactly what that means," Lewis said. "Are (Department of Defense) civilians included in that? We're still trying to get all the details."

Lewis estimated that HAFB already has "hundreds" of job openings in critical areas, and the freeze would put the base further behind.

"It would have a huge impact, definitely," Lewis said.



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Loyal Clark, spokeswoman for the Uinta-Wasatch-Cache National Forest, said local forest officials are still waiting for direction from the U.S. Forest Service national headquarters in Washington, D.C.

“There is a hiring freeze — we know that,” she said. “What that means for us, we don’t know yet.”

Officials with the Uinta-Wasatch-Cache National Forest also haven’t received a timeline on when guidelines will be handed down.

Efficient or counter-productive?

The American Federation of Government Employees represents more than 670,000 federal employees nationwide. In a Jan. 23 statement on the labor union’s website, AFGE National President J. David Cox Sr. warned the freeze would disrupt government programs and services that benefit everyone. He also believes costs will rise because of it.

“Numerous studies have shown that contractors are two to three times more costly than each federal employee they replace,” Cox said. “President Trump’s federal hiring freeze could result in more government waste if agencies are forced to hire high-priced contractors to do the work that federal employees can and should be doing.”

Cox pointed out that employees excluded from Trump’s order — those working on national security and defense issues — make up about two-thirds of the federal workforce, so he expects the freeze to disproportionately affect domestic agencies and programs which have already seen severe budget cuts within the last decade.

“This hiring freeze will mean longer lines at Social Security offices, fewer workplace safety inspections, less oversight of environmental polluters, and greater risk to our nation’s food supply and clean water systems,” Cox said.

Randy Julander, Utah Snow Survey supervisor for the U.S.D.A. National Resources Conservation Service, shared some words of advice after surviving similar freezes.

“Never worry about something over which you have no control. It just makes you lose your hair,” Julander said. “We are currently down two positions — which is not good. But on the other hand, it means I get a whole lot more field time this summer.”

Based on past experience, Julander also predicts a subsequent thaw.



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“I’ve been around long enough to have seen a couple of these clear back when Jimmy Carter and Ronald Reagan did it. They last until constituents scream, then they are relaxed and life goes on,” he said.

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8. Navajo, Ute, Hopi Tribal Leaders Fight To Have A Voice In Bears Ears Management

Utah Public Radio, Jan. 25 | Jon Kovash

We were a stones throw from the Arizona border. Hundreds of mostly Navajos and Utes, from Utah and the Four Corners, traveled long miles in sudden winter conditions, to gather at the well-heated Monument Valley Welcome Center. Residents of remote desert chapters mingled with the highest ranks of elected leadership from the Navajo Nation and the Utah Dine Bikeyah, and a smattering of sympathetic activists from regional environmental groups. Marc Thomas from Moab represented the Utah Sierra Club.

“The Utah Chapter of the Sierra Club has enthusiastically backed the efforts of the Bears Ears Intertribal Council. You know, in 2008 I went to Washington DC for President Obama’s inauguration. I really thought that was a historic moment, and I’ve got the same sort of feeling today.”

Tribal gatherings include music, speeches, prayer and food, and more often than not, a full-contingent color guard of local military vets.

The group was welcomed by James Adakai, president of the Oljato chapter and a long active member of the 5-tribe coalition.

“The Hopi, the Zuni, Ute Mountain Ute, the Uinta and the Navajo Nation. I thank you for your vision, for your leadership, and perseverance. No one can change our tribal history, our tribal cultural significance, tied to a Bears Ears history. And today this designation of Bears Ears National Monument, no one will change that as well.”

From Window Rock, most of the top brass from the Navajo Nation were in attendance, including Vice President Jonathan Naz.

“Congratulations to each and every one of you. (Speaks a few words in Navajo). And it is a collaborative effort for each and every one of you to be here in celebration. So all the stars lined



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up together to make this all happen. We got the monument designated, but it's only the start of a larger battle. And so we need to gather ourselves together again in a coalition to continue the fight to save our lands for the future of all people in this great United States of America."

From Towaoc, Ute Mountain Ute Council member Regina Lopez-Whiteskunk has been active as co-chair of the tribal coalition. President Obama followed her tweets.

"This is a victory for each and every one of us, not just Native people, but I'm talking about the rock climbers, the backpackers, the settlers. Find the real Donald Trump on Twitter. Let him know how you feel, 'cause I hear that's where he does a lot of his business. Yes we got a designation, but now we still face more threats. Beyond tribal lines, beyond color, beyond whatever it is, the difference has seemed to always be the water that cracks the stone. Let's not be that water. It is our victory. We have changed history. We are not just a check mark on a box any more. Now it's our time to step up and prove that."

This unassuming looking cowboy is Leonard Lee from Aneth. Leonard is an herbal medicine man whose day job is working for an oil company. He's the vice chair of Dine Bikeyah, and a key activist in the push for Bears Ears.

"I'm a very traditional individual, to where that I'm, the family that I grew up with were traditional people. My grandpa, my mom were herbalists, which was passed on down to me. There's a lot of medicine that grows in that area, Bears Ears. And also the protection of the land itself. Not for us, it's for the younger generation, our children and also their grandchildren and their grandchildren."

Tribal medicine men offer up prayers and chanting, and nobody can yet divine what the Trump world will visit on the reservation. Ryan Zinke, proposed new Interior Secretary, says his top priority is to visit Utah. Zinke has said Trump "perhaps" has the power to reverse the Bears Ears designation.

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9. Can Utah's Mike Noel run the BLM, an agency he despises?

The Salt Lake Tribune, Jan. 25 | Brian Maffly

As Utah state Rep. Mike Noel actively courts support for his bid to become the next director of the Bureau of Land Management, conservation and outdoor business interests are questioning the Kanab lawmaker's ability to effectively run an agency he has relentlessly condemned since quitting it 20 years ago.



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"The BLM manages some of the America's most spectacular and iconic landscapes, landscapes that are integral to outdoor recreation, sportsmen, biodiversity, and native Americans and America's high quality of life," said Black Diamond Equipment founder Peter Metcalf. "We need a BLM leader aligned with this mission, one who recognizes the role these well-stewarded, landscapes play in the vibrancy of one of America's most important and sustainable economic sector."

"Mike Noel," Metcalf said, "is the opposite."

The retired CEO joined 15 other Utah business leaders and conservationists in penning a letter to the Trump administration opposing Noel's possible selection as BLM director.

An influential Republican, Noel has staked his political career on challenging federal land management and sparring with environmentalists and Salt Lake Democrats over limiting resource extraction to protect Utah's striking red rock landscapes, wildlife, rivers and archaeological resources. Noel believes such limits do more to harm the land than protect it and suck the life out of rural communities that traditionally rely on access to forage, timber and minerals.

Noel did not respond to a request for comment.

Several Utah agencies and political leaders, meanwhile, have eagerly lined up behind his BLM candidacy.

The Utah School and Institutional Trust Lands Administration also sent a letter to the Trump transition team calling Noel an "excellent choice." Most of SITLA's 3.2 million acres are 640-acre islands scattered in a sea of federal lands. BLM policies complicate SITLA's efforts to generate revenue off these isolated sections, according to the Nov. 18 letter signed by trust lands board chairman James Lekas.

"We look forward to working with a Department of Interior led by people who can change the direction of public lands management back toward BLM's traditional multiple use mandate," Lekas wrote. "Representative Noel would be a great addition to that team."

If Noel has his druthers, the BLM would no longer exist as an agency, at least in Utah, where he is leading the state's charge to seize title to 31 million acres of public land — most of it administered by BLM.



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But worse from environmentalists' perspective is Noel's unwillingness to engage with stakeholders who disagree with his notion of "multiple use."

In recent years, Noel has promoted the ideas that law enforcement on public lands should be overseen by county sheriffs; Utah should invest millions of dollars in a lawsuit to take title to the lands owned by all Americans; grazing and energy extraction are the best uses of places that others value for scenery and ancient American Indian artifacts; the state should cover legal costs of county commissioners who get in trouble standing up to federal authority on behalf of their constituents.

"Rep. Noel has also demonstrated his disregard for the thoughtfully and collaboratively crafted management plans of the Bureau he hopes to direct, instead throwing his support behind illegal protests on BLM land and the extraction companies that hope to expand their activities on public lands to the detriment of the protection and other uses of those lands," states the conservationists' letter, sent Wednesday by Alliance for a Better Utah to Vice President Mike Pence and Interior Secretary nominee Ryan Zinke. "His history strongly suggests that he will not be a good steward over these public lands that all Americans use and enjoy."

The alliance has posted a petition urging the Trump team to reject Noel for BLM.

Noel, who runs a ranch and the Kane County Water Conservancy District, worked as a realty specialist in BLM's Kanab field office before leaving after the 1996 designation of the Grand Staircase Escalante National Monument. A former colleague in the Kanab office contends Noel is the wrong person to lead BLM because of "his disdain for federal government management and his personal and biased agenda."

"The next BLM director will need to ensure the BLM mission to provide enduring values and uses of those lands is sustained. Noel does not have that vision and is not that leader," wrote Verlin Smith, now retired and living in Murray, in a letter to the editor.

Noel has since become a leading extremist in the movement to blunt conservation prerogatives on public lands, according to Metcalf, and in the process has earned a reputation as a dogmatic bully.

"This intransigent nature would hamper Rep. Noel in performing the duties that come with being BLM director, which include balancing all of the competing needs and uses

that arise in managing our vast public lands," states the letter, which Metcalf signed along with the Southern Utah Wilderness Alliance executive director Scott Groene; former Salt Lake City



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Mayor Rocky Anderson, now head of High Road for Human Rights; former BLM director Pat Shea; and Allison Jones of the Wild Utah Project.

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E&E/NATIONAL NEWS – FULL STORY

1. Judge finds Oregon standoff defendant Jake Ryan's statements to FBI were voluntary

The Oregonian/OregonLive, Jan. 24 | Maxine Bernstein

A judge Tuesday found no basis to suppress statements that Oregon standoff defendant Jake Ryan made to FBI agents before his arrest on federal conspiracy and weapons charges.

Ryan argued that he thought he had immunity from criminal charges in exchange for his surrender on Jan. 28 at the checkpoint outside the Malheur National Wildlife Refuge.

He also said he had been tricked into answering FBI questions once he returned to Montana after the refuge occupation ended last winter.

But a prosecutor presented evidence to the contrary, playing a recorded call between an FBI crisis negotiator and Ryan when Ryan remained at the refuge on Jan. 27. The prosecutor also questioned one of two FBI agents who interviewed Ryan in Montana in February.

Ryan faces felony charges of conspiring to impede federal workers at the federal refuge, possessing firearms in a federal facility and depredation of government property. He's also charged with misdemeanor allegations of trespass and tampering with vehicles and equipment.

Ryan was one of five people who remained at the refuge in Harney County on the morning after the Jan. 26 arrests of standoff leaders and the fatal shooting of occupation spokesman Robert "LaVoy" Finicum.

A video shows Ryan digging trenches on Jan. 27 at the refuge using a government excavator, according to prosecutors.

FBI agent Christopher Luh, one of the crisis negotiators, reached occupier David Fry's mobile phone that day, trying to convince those remaining at the refuge to leave. He spoke to co-defendant Sean Anderson, who handed the phone to Ryan.



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"I don't know who the freak you are," Ryan told the agent.

Ryan talked about how "tyrannical thugs" are "controlling everything" in the country and accused the agent of not caring.

"If you do care, you would open the blockage and let us go," Ryan told Luh.

"Jake, you can go," Luh responded.

Ryan mocked the agent's response, suggesting authorities would take his guns and his rights.

"Jake, you don't have a warrant. You can go," Luh told him. "If those weapons are legally yours, you can go."

Ryan can be heard on the line laughing.

Luh testified that he also spoke to Ryan's brother and instructed him similarly.

Early on Jan. 28, Ryan approached an FBI roadblock unarmed and empty-handed, leaving his firearms and personal belongings behind at the refuge in a trailer, according to his lawyer. He was released and returned to his home in Plains, Montana.

"I wasn't in a position to provide any type of immunity," Luh said on the witness stand Tuesday.

Two weeks later, two FBI agents traveled from Salt Lake City to Montana to set up an interview with Ryan. At the request of the Portland FBI office, the agents contacted Sanders County Sheriff Tom Rummell to help arrange the meeting.

The agents wanted to find out what Ryan did at the refuge, FBI Special Agent Shawn Hall said, testifying by phone from Utah.

About 5:30 p.m. Feb. 10, the agents met Ryan, along with his parents, Daniel and Roxanna, and the sheriff outside the sheriff's office in Thompson Falls, Montana. They walked to a nearby municipal building to meet in a conference room and Ryan answered the agents' questions for about 30 minutes.

The agents advised Ryan he wasn't under arrest, free to leave at any time and didn't have to speak with them, Hall said. The father asked if he could record or videotape the interview and the agents told him no.



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Ryan told the agents he took four guns to the refuge, acquired three more firearms and a tactical vest while at the refuge and placed them in an RV trailer at The Narrows campground nearby. He asked the agents how he could get the firearms back, claiming they were seized illegally.

The agents told Ryan they were unaware of the firearms.

Ryan told the FBI he supported Ammon Bundy's cause, believed the refuge belonged to the people and not the federal government and went to the eastern refuge to learn more from Bundy and Finicum about their interpretation of the U.S. Constitution.

He said he stayed at the refuge about two weeks and was one of three people able to operate heavy machinery on the property, including a tractor, dump truck, excavator and backhoes. He said the equipment was used to repair some of the roads on the refuge.

According to Ryan's lawyer, Jesse Merrithew, Ryan didn't expect his statements to be used against him because he thought he wasn't going to be charged with any crime.

"The FBI, through Sheriff Rummell, tricked Mr. Ryan into believing he was going to the interview for the purpose of getting his guns back. He was never read his Miranda rights, and he had no reason to believe there was any other purpose behind the interview," Merrithew wrote in a motion to suppress the interview statements.

On March 6, a grand jury returned an indictment against Ryan and a warrant was issued for his arrest. When the FBI contacted Ryan's family and law enforcement in Montana, they learned Ryan had fled the state.

He was arrested April 5 in Washington, hiding out in a stranger's shed in Clark County with a handgun and several knives, according to federal authorities.

Ryan, who is out of custody, waived his right to be present at the hearing.

U.S. District Judge Anna J. Brown said his interview with the agents in Montana appeared to be voluntary, that he wasn't intimidated or misled by federal law enforcement and wasn't promised immunity.

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2. When 'social gov' goes quiet

FCW News, Jan. 24 | Troy K. Schneider

Are agencies experiencing tweet anxiety?

Inauguration Day retweets about crowd size landed the National Park Service's Twitter account - and those of other Interior Department bureaus -- in temporary time out until social media guidance could be clarified. Activity resumed the next day, but @NatlParkService posts since then have come at a far slower pace -- and many other agencies across government seem to be tweeting carefully as well.

The Park Service's drop-off, in fact, is more modest than most. From Jan. 20 through midday on Jan. 24, the agency tweeted 10 times, compared to 23 times in the week leading up to Inauguration Day -- or roughly one less tweet per day.

The primary Twitter accounts of the General Services Administration, Environmental Protection Agency, and office of Government Ethics Twitter accounts, meanwhile, went completely silent. GSA's innovation shop 18F, which tweeted 20 times in the week leading up to Inauguration Day, did so just once in the days following. The Department of Education account went from 66 posts to four, while the Department of Interior went from 68 to three. The EPA maintains 40 official Twitter accounts. They have collectively issued six tweets since Jan. 20.

There are a few possible reasons for the relative quiet. Some communications and digital-team employees were political appointees, and have not yet been replaced. Career employees may be treading carefully until their new bosses are on board. And agencies in addition to Interior may have received new social media guidance instructing them stick to the basics. (Various media reports have put EPA and the Departments of Health and Human Services and Agriculture in that category.)

None of the digital team members FCW contacted were willing to comment, given the sensitivities surrounding the transition. But Interior Department employees said other components now felt limited by the Park Service kerfuffle, and individuals elsewhere in government doubted that any agency would willingly stop sharing about their programs and missions.

White House officials did not immediately respond to FCW's questions about any new social media guidance outside of Interior. White House Communications Director Sean Spicer,



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speaking in the Jan. 24 daily briefing, said he did not know whether restrictions had been imposed at some agencies, but that "we're looking into it."

He added, however, that reviews of agency policies should be expected "when there's an administration turnover."

And of course, some agencies may simply be focusing efforts elsewhere at a very busy time. (The White House team, for example, clearly has leadership in place and free rein to tweet at @WhiteHouse, but has done so at less than one-fourth the pace the Obama team did in its final week)

But while the Twitter accounts FCW examined were down almost across the board, the drop-offs were far sharper with agencies the Trump administration has criticized -- the Consumer Finance Protection Bureau, for example -- than for those that are more security-related like the Departments of Defense and Homeland Security. DHS, in fact, was the outlier -- tweeting at almost five times the frequency since Inauguration Day as it did the previous week. The individual accounts of the Department of Veterans Affairs' regional medical centers remain active, but the principle headquarters account is down since the switchover to the Trump administration.

Other media outlets have reported that some agencies have been instructed to suspend all "external communications."

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3. No sage-grouse spotted at bird count for second straight year

The Uinta County Herald, Jan. 24 | Tim Gorman

On Jan. 1, field participants braved cold weather (low of -5 and high of 29 degrees) and snow to spend part, or all, of a beautiful winter day observing birds. An additional birdwatcher manned a bird feeder for the event. A total of 35 different species and 1,883 birds were recorded.

Participants this year included Tim and Patti Gorman, Bob and Alice Griffin and Alan Griffin.

The Evanston count is nationally known for the number of greater sage-grouse observed and typically takes top honors for the highest number of greater sage-grouse tallied each year.

However, no sage-grouse were encountered this time, the second year in a row for the Evanston count that, for the past 36 years, has averaged 305 sage-grouse per year. The heavy snow cover



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and cold temperatures have moved the grouse away from the roads up to higher ground where the wind has blown the snow off the sagebrush.

Generally, sage-grouse numbers are on the rise in southwest Wyoming and northeastern Utah, but some localized flocks are taking a hit from marauding ravens and gulls that prey on sage-grouse eggs and hatchlings.

The numbers of Eurasian-collared doves, an invasive species, continue to increase at an incredible rate. High numbers of house sparrows, magpies and starlings were seen. Noticeably absent were goldfinches, waxwings, horned lark and ferruginous hawk.

An uncommon bird for the Evanston circle is black rosy-finches. Twenty-two black rosies were counted in one flock. Prolonged cold temperature and heavy snows usually push American crows out of Evanston but 14 were counted out around the city dump.

Magpies seemed to be everywhere. Small perching bird numbers were low overall. The reduction of perching birds could be attributed to lack of food due to the heavy snow cover and the declining number of active bird feeders within the count circle.

A large number of rough-legged hawks were counted, normal for a winter with heavy snow accumulations.

This winter's cold weather has left little open water for ducks and geese. Waterfowl numbers were down again this year. Wood ducks, another rarity for the Evanston area, were seen below the Woodruff Narrows Dam during the count week.

The Evanston Christmas Bird Count has been held since 1981 and the 15-mile diameter circle is split down the middle by the Wyoming/Utah state line. The Bear River runs through the circle south to north. The event would not be successful without the cooperation from private landowners and ranchers within the count circle.

This season, over 2,560 individual counts were scheduled to take place throughout the Americas and beyond from Dec. 14, 2016, to Jan. 5. During last year's count, close to 69 million birds were tallied by over 76,600 volunteers, representing a record level of participation.

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4. **Op-ed: Standing again with Standing Rock to defend water, land and life**

The Oregonian/OregonLive, Jan. 23 | Maxine Bernstein

The effort to halt the environmentally damaging energy production and transfer methods of the Keystone XL and Dakota Access pipelines is a stand for future generations of Americans, and ourselves, to live a healthy life. If we truly support life, we must stop plundering the earth that enables life to be born and sustained.

The effort to halt the environmentally damaging energy production and transfer methods of the Keystone XL and Dakota Access pipelines is a stand for future generations of Americans, and ourselves, to live a healthy life. If we truly support life, we must stop plundering the earth that enables life to be born and sustained.

The gathering of peoples from all over North America in defense of water and land, in the emblematic battle for the rights of tribal communities at Standing Rock, represents a significant shift toward a more prescient activism driven to defend our ability, and that of future generations, to live in an unpolluted America.

All across the United States a new movement is stirring: to protect the life of the planet through protecting life-giving water and fertile land from poisonous oil spills.

Standing Rock is in North Dakota, but the spirit of Standing Rock is alive across the nation. It is in New York's Hudson River Valley, in Salt Lake City, Utah, in Nash County, N.C., in Sandisfield, Mass., and throughout every state in America where people are battling to protect life-giving natural resources from the development of short-sighted, outdated energy production and transfer.

Last November, my wife Elizabeth and I, joined by musician Dave Matthews, traveled from Bismarck through a treacherous blizzard to Standing Rock in support of the effort to stop the Dakota Access Pipeline (DAPL) from destroying land and poisoning water.

We met with tribal leaders to examine political and legal strategies to stop DAPL and followed up with legal and environmental experts over the best path forward.

Yesterday, President Trump signed an executive order to push through DAPL as well as the Keystone XL pipeline. This compounds a great injustice to the tribal community at Standing Rock. The way forward now is a robust legal challenge.



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Here is the background:

DAPL approval stems from what we believe to be the underhanded tactics of the Army Corps of Engineers, which concealed material facts that can now be the basis of a legal appeal to overturn the executive order and stop the permitting process.

We maintain that the Army Corps deliberately withheld critical information during a 2016 DAPL Environmental Assessment, which is only a cursory inspection of the issues at stake, as opposed to a comprehensive Environmental Impact Study.

If the concealed information could have publicly surfaced, it could have ended Energy Transfer Partners' entire pipeline and most certainly would have prohibited it from going through tribal territory at Lake Oahe near Standing Rock.

The Army Corps admitted as much in a Dec. 4, 2016, letter announcing a temporary postponement of the easement:

"Because of security concerns and sensitivities, several documents supporting the Environmental Assessment were marked confidential and were withheld from the public or representatives and experts of the Standing Rock Sioux Tribe.

"These documents include a North Dakota Lake Oahe Crossing Spill Model Discussion prepared by the Wood Group Mustang, the Lake Oahe HDD Risk Analysis Report and the DAPL Route Comparison and Environmental Justice Considerations Memorandum."

We believe that this information, hidden from Standing Rock Sioux Tribe, environmental experts and the public, would likely reveal:

- The spill model would likely confirm that oil would leak into the tribal water supply.
- The risk analysis would demonstrate the likelihood of contamination.
- The Environmental Justice Considerations Memo could be so compelling that this single factor alone would disqualify the route.
- The route comparison would certainly reveal that the route through Standing Rock was less expensive than one 10 miles north.

The more stringent Environmental Impact Study is now underway. If its results are made known, it will reveal defects in the initial easement process. It must not be swept aside by the new administration, which is pursuing the DAPL.



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It was indefensible, in the early stages of discovery, for the Army Corps to have withheld vital documents necessary to protect the sovereignty, the health and the water supply of Standing Rock.

We also maintain this was illegal, because it deprived the tribal communities of key information and thereby subverted the tribes' constitutional right of due process of law.

The Trump administration needs to understand it will have a fight on its hands, because of the concealment of vital information by the Army Corp of Engineers and because an awakened citizenry is ready to defend its rights to clean water, clear air and land unspoiled.

The administration must not stop the Environmental Impact Statement, nor discount its findings.

Dennis Kucinich is a former U.S. representative from Ohio, serving from 1997 to 2013. He was a candidate for the Democratic nomination for president in 2004 and 2008.

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5. **Op-ed: What Obama gave the West**

High Country News, Jan. 25 | Jamie Williams

The American West should be grateful to President Barack Obama. His stewardship of land and waters has ranged from Puerto Rico to the farthest reaches of Alaska, but his conservation efforts in the Western United States stand out. He took up long-overdue energy reforms on the public lands that are owned by all Americans, and he connected the dots between energy development and the greenhouse gases produced by it that contribute to climate change.

Of course, much of the credit for Obama's success has to go to the work of local coalitions and advocates throughout the country. But the president proved himself to be a true champion who pushed many conservation measures over the finish line.

Just months into office, Obama signed the Omnibus Public Land Management Act of 2009, which designated more than 2 million acres of federal land as wilderness. Ecologically important land was protected in California's Sierra Nevada and White Mountains, on Oregon's Mount Hood and in the high desert, in Idaho's Owyhee Canyonlands, in Colorado's Rocky Mountain National Park and Indian Peaks Wilderness, and in New Mexico's canyon country.

Wilderness areas were expanded on Montana's Rocky Mountain Front, in the Boulder-White Clouds region of Idaho and Alpine Lakes in Washington. To the south, wilderness was protected



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in the Pine Grove Hills and Pine Forest Range of Nevada, the Hermosa Creek watershed near Durango, Colorado, and the Columbine Hondo in northern New Mexico.

These lands provide clean air, clean water and countless other benefits to humans and wildlife alike. Enlarging and connecting these wild areas will increase their resilience in this era of climate change and wildlife habitat loss. Large, connected landscapes are essential for preserving biodiversity.

Obama also pursued an inclusive vision for our public lands, ensuring that our national monuments better reflect the nation's rich cultural tapestry.

Using presidential authority under the Antiquities Act, he designated national monuments that honor the history and contributions of African-American, Native American, Hispanic and Asian communities. At the urging of several Native American tribes, Obama protected Bears Ears in Utah, one of the most culturally significant sites in the nation. This set a new model for collaborative management of sacred lands with Native American tribes at the table. He also conserved places that illuminate the history of veterans and milestones for women, labor and the LGBTQ community.

Other monuments that he designated preserve places for people to enjoy, whether it's the whitewater mecca of Browns Canyon in central Colorado or the 346,000 acres of the San Gabriel Mountains monument that serves as a wild backyard for Los Angeles.

Obama's Every Kid in a Park initiative allows fourth-graders and their families into national parks and public lands free. The 21st Century Conservation Service Corps put thousands of young people and veterans to work restoring and improving wildlands.

He is also the first president to address the public lands' contribution to climate change. Of all the greenhouse gases emitted through the nation's energy production, about one-quarter comes from fossil fuels extracted from our public lands and waters. Satellite images show a methane cloud the size of Delaware hanging over the Four Corners area of the Southwest, where many oil and gas wells operate on public lands. The Obama administration took action to reduce waste and leaks of methane, an extremely potent greenhouse gas.

His administration instituted reforms to outdated policies for federal coal, oil and gas leases. He protected lands that are too wild — or culturally sacred — to drill in Alaska, the Arctic Ocean, the Thompson Divide in Colorado, the Badger-Two Medicine region in Montana and the Wyoming Range.



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During his eight years in office, more than 15,000 megawatts of wind, solar and geothermal projects were permitted. When Obama became president, no solar projects existed on public lands. Now, 18 solar projects are complete or under construction, including some of the largest in the world. Efforts to improve siting, such as the Desert Renewable Energy Conservation Plan in California, have protected millions of acres of key wildlife habitat.

But dangers lie ahead. Attacks on conservation began during the very first week of the 115th Congress. Among the very first orders of business was a House rule designed to make it easier for Congress to sell off national lands, along with bills that would gut the Antiquities Act.

Conservationists face a tough battle ahead to protect the West's public lands. But to borrow a phrase from the Western writer Edward Abbey, Obama's conservation legacy needs no defense, it just needs strong defenders.

Jamie Williams is a contributor to Writers on the Range, the opinion service of High Country News. He is the president of The Wilderness Society.

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6. **SUPERFUND: Obama appointee slams EPA mining rule**

E & E News, Jan. 25 | Dylan Brown

Proposed changes to Superfund insurance standards for the hardrock mining industry earned U.S. EPA a scolding from a federal watchdog.

The Small Business Administration's Office of Advocacy — "an independent voice for small business within the federal government" — urged EPA to pull "ill-advised" new financial assurance requirements for mines that produce everything from copper and gold to uranium and phosphate.

A panel of small mining companies convened by the agency under federal law had already blasted the proposed update to Section 108(b) of the Superfund law, the Comprehensive Environmental Response, Compensation, and Liability Act (E&E News PM, Jan. 11).

Darryl DePriest, the office's chief counsel, appointed by President Obama, reprimanded EPA for not heeding that feedback.



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"The proposed rule would impose costly requirements on hardrock mines owned by small firms, without evidence that a problem exists warranting intervention," he wrote in a letter dated Thursday.

Environmental groups, which have criticized the Office of Advocacy in the past as being too pro-business, strongly disagree.

It was their lawsuit that prompted a federal court to order EPA to publish a proposed rule in December outlining additional bonding requirements to insure against a mine becoming a Superfund site.

"There is a very real need for these regulations, as evidenced by the existing backlog of \$20-\$54 billion in cleanup costs at hard rock mines and the efforts to add new mine sites to CERCLA each year," said Bonnie Gestring of advocacy group Earthworks.

Roughly 500,000 hardrock mines have been abandoned nationwide, according to conservation groups and government estimates.

Mining advocates, however, say that the industry has left behind its toxic legacy and that existing federal and state bonding requirements are more than adequate.

Small mining companies, which represent roughly one-third of the hardrock industry, say the rule would cost them more than it would save the government. EPA figures that say the opposite, they argue, are based on costs at old mines.

Gestring refuted that assumption, pointing to a 2012 Earthworks report that found 92 percent of copper mines representing nearly all American production failed to control contaminated mine seepage and 28 percent experienced at least partial tailings spills.

Laura Skaer, executive director of the American Exploration & Mining Association, said the letter further supports pulling the proposal for review.

Indeed, the Trump administration has frozen all rules for additional scrutiny, and the Office of Management and Budget has pulled EPA actions under its review.

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7. OIL AND GAS: Western energy group launches publication

E & E News, Jan. 25 | Pamela King

A Denver-based trade group representing Western oil and gas operators this morning launched a publication that will cover development in the West.

The Western Energy Alliance, whose 300 members are engaged in oil and gas exploration and production across 13 states, said Western Wire is an effort to emphasize support for the region's energy and natural resource industries.

"Support for these industries, and the economic opportunity they make possible, runs deep throughout western communities," according to the Western Wire website. "But those voices don't get the same attention as the well-organized minority of opposition groups. So we decided to do something about it."

The publication's top story today touts support among blue-collar Democrats for President Trump's revival of the hotly contested Keystone XL and Dakota Access pipelines.

It also features a commentary by Western Energy Alliance President Kathleen Sgamma expressing disappointment in the U.S. District Court for the District of Wyoming's denial of a preliminary injunction against the Bureau of Land Management's methane venting and flaring rule.

Sgamma said Western Wire comes in response to shrinking newsrooms at local papers. If reporters see sources expressing a more "balanced view" of development issues, they might consider reaching out to those people instead of relying solely on industry opponents, she said.

"We see kind of a news desert in the West," Sgamma said. "You read some stories about certain issues, and you'd think everyone in the West was against oil and gas development."

Western Wire is staffed by Western Energy Alliance spokesman Aaron Johnson and a trio of advisers from the pro-industry group FTI Consulting Inc.

Simon Lomax, managing editor of Western Wire, covered energy and environmental policy for Bloomberg News and Argus Media before joining FTI in 2012. Matt Dempsey, the publication's opinion editor, served as communications director for the Senate Environment and Public Works Committee and Republican Oklahoma Sen. Jim Inhofe prior to starting at the consultancy in



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2013. A year later, Western Wire staff writer Aileen Yeung began working at FTI. Yeung has held internships in journalism and communications but has spent most of her career at the firm.

Sgamma said the publication is trying to be upfront about its pro-industry tilt. She said she expects reader critiques, and she pledged to make corrections to stories, if necessary.

"Anything we do, we get criticized," she said. "We're beyond being intimidated that way."

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8. **PIPELINES: Trump's U.S. steel directive likely violates trade law**

E & E News, Jan. 25 | John Kemp, Reuters/St. Louis Post-Dispatch

President Trump's executive order yesterday requiring pipeline developers to use steel made in the United States would likely violate 70 years of settled international trade law.

The World Trade Organization and the General Agreement on Tariffs and Trade require members to give the same treatment to imports from other members and also to treat imported goods and services no less favorably than domestically produced items.

Trump's plan to require U.S. pipelines to be built with U.S. steel, a "local content requirement," is inconsistent with those rules.

The United States has in the past been a fierce opponent of local content requirements as discriminating against American exporters and investors. The most well-known ruling on the subject came in the 1980s when the United States successfully challenged a Canadian law that made investment approvals conditional on the purchase of certain products from domestic sources.

The United States has also challenged local content requirements applied by India, Argentina, China, Turkey and the Philippines on products from solar cells and wheat to auto parts.

Trump's secretary of Commerce will be called upon to craft a local content requirement for pipelines but might struggle to fit the law into the United States' trade obligations (John Kemp, Reuters/St. Louis Post-Dispatch, Jan. 25). — SM

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9. REGULATIONS: House prepares to kill coal, methane rules

E & E News, Jan. 25 | Arianna Skibell

The House plans to start the process of overturning major Obama administration environmental regulations as early as next week.

House Majority Leader Kevin McCarthy (R-Calif.) wrote in The Wall Street Journal yesterday that Republicans will target specific rules using the Congressional Review Act, which allows a simple majority in both chambers to strike down actions promulgated within the last 60 legislative days.

"In the weeks to come, the House and Senate will use the Congressional Review Act to repeal as many job-killing and ill-conceived regulations as possible," McCarthy wrote in an op-ed.

"Perhaps no aspect of America's economy has been as overregulated as energy."

Lawmakers plan to target the Interior Department's Stream Protection Rule, which McCarthy said could destroy "tens of thousands" of mining jobs. The previous administration disputed such claims.

Interior released the Stream Protection Rule, which would implement new water quality restrictions on coal mining, last month.

Shortly thereafter, Reps. Doug Lamborn (R-Colo.) and Evan Jenkins (R-W.Va.) each put forward resolutions to block the new mandates (E&E Daily, Jan. 6).

McCarthy also said the House would seek to reverse new methane regulations, pointing to an American Petroleum Institute review of a recent U.S. EPA rule.

McCarthy is likely to run into procedural roadblocks, however. An analysis last month by the Congressional Research Service raised questions about whether the rule is eligible for repeal through the CRA (Greenwire, Dec. 21, 2016).

More likely for inclusion will be the Bureau of Land Management's recent methane rule, which would limit emissions from venting and flaring at oil and gas operations on public and tribal lands.

McCarthy also said the House plans to target the Securities and Exchange Commission's regulation to require publicly traded mining and drilling companies to report payments to governments.



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Issued last June, it was the SEC's second attempt at the rule, which lawmakers required under a provision in the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act (Greenwire, June 28, 2016).

The U.S. District Court for the District of Columbia struck down the SEC's first attempt. Drilling and business interests said it would have burdened them and undermined competitiveness.

Senate

In the Senate, Majority Whip John Cornyn (R-Texas) said utilizing the CRA is high on the chamber's list of priorities for the coming weeks.

And Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said he was working on his own list of regulations that fall within that panel's jurisdiction for possible CRA challenges (E&E Daily, Jan. 11).

The only time Congress used the CRA effectively was in 2001. Lawmakers and President George W. Bush overturned a Clinton administration rule setting ergonomic standards in the workplace.

If a rule is axed under the CRA, federal agencies are not allowed to reissue the regulation or craft a similar rule in the future, leaving a lasting impact on the system.

New bills

The attack on regulations goes well beyond the CRA. Rep. Michael McCaul (R-Texas) yesterday introduced H.R. 674 to require agencies to repeal or revise one or more existing rules before issuing a new one. The measure mirrors a proposal President Trump put forth last year (Greenwire, Nov. 11, 2016).

Trump's pick to lead the White House Office of Management and Budget, Rep. Mick Mulvaney (R-S.C.), has also expressed interest in this kind of regulatory "pay-go" system, where old and ineffective regulations are scrubbed before new ones are introduced (E&E Daily, Jan. 25).

"The law actually currently requires OMB to do a retrospective review, but it's not happening," Mulvaney said at his confirmation hearing yesterday. "My very distinct impression from working with the transition team is that regulatory reform is going to be an absolute priority."



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House Natural Resources Chairman Rob Bishop (R-Utah) yesterday introduced a resolution, H.J. Res. 32, that would amend the Constitution to give states the authority to repeal federal regulations when they have the consensus of two-thirds of the state legislatures.

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10. POLITICS: Dems fret, GOP is blasé over gag on federal scientists

E & E News, Jan. 25 | Scott Waldman

The Trump administration's new restrictions on federal agencies' public communication — particularly where climate change is concerned — have divided lawmakers on Capitol Hill.

Democrats have referred to the administration's instructions to agencies including U.S. EPA and the Agriculture Department not to publish tweets or other social media postings as a "gag order" and said they fear for scientific integrity.

"I'm extremely concerned, and in fact, we raised that in the confirmation hearings, and every nominee so far that I've seen has expressed their opposition to that type of censorship," said Sen. Ben Cardin (D-Md.).

"We're going to monitor that very closely," he said. "The civil services laws are pretty strong, and if we need to strengthen them, I think there is bipartisan support here to strengthen civil service laws. We don't want politics into civil service."

Sen. Sherrod Brown (D-Ohio), a member of the Senate Agriculture, Nutrition and Forestry Committee, said he was "deeply troubled" by the news and said such censorship is dangerous.

"USDA's research arm is tasked not only with addressing the biggest challenges affecting our agriculture sector, but also with sharing that information with the American people, agricultural businesses, and other scientists," he said in a statement. "Any attempts to keep the public in the dark about research that affects their food and their economy is dangerous and could impede scientists' efforts to find solutions to these complex issues."

The clampdown on public communication is typical of any new administration, but activists and Democratic lawmakers say the moves appear to be singling out agencies that oversee climate change and environmental policy. It also comes as the National Park Service — which already had to apologize after it retweeted photos showing a smaller crowd size for Trump's inauguration than for former President Obama's — undertook an apparent act of defiance when one of its



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accounts tweeted a series of facts about climate change. The tweets by Badlands National Park have since been removed (see related story).

Senate Minority Leader Chuck Schumer (D-N.Y.) mocked the administration for touting "alternative facts" on science.

"It should surprise no one that the administration that touted #alternatiefacts on Day 1 is attacking science & research on Day 2," he tweeted.

Committee approves Ross

Republicans, meanwhile, downplayed the controversy. Sen. John McCain of Arizona said he was not familiar with news reports about the muzzling of scientists but said he does not have a problem with supporting a restraint on federal scientists in general.

"It depends on which scientists; if it's a scientist that believes the world is flat, no," he said.

And Sen. Jim Inhofe (R-Okla.), a frequent critic of federal climate research and EPA who denies basic climate science, said he is looking forward to the Trump administration's changes.

"I want whatever it takes to get sound science," he said. "We've had manufactured science for eight years, and that's what I want to see changed."

Meanwhile, in the Senate Commerce, Science and Transportation Committee, where lawmakers approved the appointment of Wilbur Ross as secretary of Commerce, Republicans said they are confident that scientific integrity will be protected.

If Ross is confirmed by the full Senate, he will oversee the National Oceanic and Atmospheric Administration, which makes up 60 percent of the Commerce Department's budget and conducts a broad array of climate research.

Commerce Chairman John Thune (R-S.D.) said he was confident that Ross would not interfere with the work of the scientists at NOAA.

"You have a lot of scientists over there doing work, and the one think I think Ross made clear is that he wants the people in that space to do what they do, and that is to do science," he said.

Ranking member Bill Nelson (D-Fla.) said he had solicited a letter from Ross in which the nominee vowed to protect NOAA's scientific integrity.



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"If confirmed, I intend to see that the Department provides the public with as much factual and accurate data as we have available," Ross wrote. "It is public tax dollars that support the Department's scientific research, and barring some national security concern, I see no valid reason to keep peer reviewed research from the public. To be clear, by peer review I mean scientific review and not a political filter."

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11. PIPELINES: Enviro, now on the outs with White House, look to the courts

E & E News, Jan. 25 | Jean Chemnick and Emily Holden

President Trump yesterday began making good on his promises to boost the oil and gas industry, signing memos reviving two controversial pipelines that have become the face of the climate movement and officially kicking off a war with environmentalists.

Trump directed the State Department to expedite its approval of the Keystone XL oil pipeline that would connect Canadian oil sands with U.S. refineries. He also told federal agencies to quickly approve the Dakota Access pipeline, which last year sparked protests from the Standing Rock Sioux Tribe and activists around the nation.

Environmentalists in response were defiant, promising to use protests and the courts to keep the two pipelines from going forward. Within hours, groups mobilized hundreds of protesters outside the White House.

"We will fight it. We will fight it with everything we've got in the courts and in the streets," said Bill McKibben, founder of 350.org.

McKibben said he expressed "a certain amount of hope that we will prevail in the end," citing widespread belief in the President Obama's first term that the administration would approve Keystone XL.

"President Trump will live to regret his actions this morning," said Michael Brune, the Sierra Club's executive director. He, too, predicted success.

But where former President Obama eventually bowed to environmental pressure on KXL, denying it a permit in 2015 in the run-up to a landmark U.N. climate summit in Paris, the same



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protest tactics seem unlikely to work on Trump. He yesterday said that "environmentalism is out of control."

Christopher Guith, a senior vice president for policy for the U.S. Chamber of Commerce's energy section, said the Obama administration "caved and made a bad policy decision when a thousand people rang the White House."

"I don't think you're going to see that happen here," Guith said, adding that the people protesting Trump's policies over the weekend "weren't the ones who got him into the White House."

Trump's moves yesterday are his opening shot against the environmental movement, which for years has had at least a sympathetic ear in the White House.

Climate activists will have a harder time blocking pipelines under Trump, although they say they are ready to take their battles to states and localities, where they might have a strategic advantage. Because the projects have huge symbolic meaning to both environmentalists and conservatives, the fights won't go down easily.

A small carbon footprint but a big climate symbol

The Keystone XL and Dakota Access pipeline protests have defined much of the modern environmental movement. It's hard to prove, however, that either project would have a meaningful impact on greenhouse gas emissions or the overall rate of climate change (Climatewire, Dec. 19, 2016).

Paul Bledsoe, a senior fellow on energy at the Progressive Policy Institute and a former Clinton administration climate adviser, said that "by delaying, and then denying, the permit so conspicuously, Obama helped elevate Keystone to iconic status in climate protection, when in fact the pipeline itself won't have any serious effect on emissions."

Trump's actions yesterday won applause from industry backers and GOP lawmakers who say pipelines would grow employment, lower energy costs and bolster U.S. energy independence.

"We're making America great again," joked John Stoddy, the Association of Oil Pipe Lines' vice president of government and public relations.

Stoddy said pipelines have "overwhelming public support." Environmental advocates counter that the tide is rising against a large-scale oil and gas infrastructure build-out. They say they will



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work with landowners who don't want companies using their property by claiming eminent domain.

Ben Schreiber, a senior political strategist for Friends of the Earth, pointed to Trump's low approval ratings and called him "thin-skinned."

"He is now going to have a totally different experience here [compared with on the campaign trail] because we're going to be out in the street protesting all of his actions," Schreiber said. "He's not going to be receiving unabashed love and admiration."

Environmental groups contend that the oil and gas industry already has enough pipelines in the United States. They think pipelines are unsafe and that approving more will lock the country into fossil fuel use.

PolitiFact found that the pipeline wouldn't make much of a difference in how much oil gets extracted in the area.

So far, Trump seems immune to the backlash. Yesterday, he met with auto industry executives to talk about how to grow manufacturing jobs and roll back regulation. There, he boasted that he sees himself as an environmentalist (E&E News PM, Jan. 24).

The president then signed several other actions, including an executive order to the Council on Environmental Quality to identify "high priority" infrastructure projects and find ways to speed them. He also sent memos to the Commerce Department to explore ways to "streamline" manufacturing permits and to require pipelines to be made with American materials to "the maximum extent possible." More details on how those policy changes would work might take months.

Lengthy permit processes offer greens a glimmer of hope

In the meantime, opponents to the pipelines are poised to pursue more litigation.

Jane Kleeb, president of the Bold Alliance, said the newly resurrected Keystone XL would face at least a two-year legal process in Nebraska. TransCanada Corp.'s route would depend on the use of eminent domain laws to commandeer a quarter of the land it needs in the state, she said, but that move would trigger litigation by environmental and landowner advocates, who would argue that eminent domain laws cannot be used to benefit private corporations.

"So we will fight in the courts on that level," she said.



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Nebraska is also the only state that still has not provided a state permit for the project. It could take TransCanada a year to gain one, providing other opportunities for public input and challenge.

On the federal level, the project would require Clean Water Act permits for places where it crosses streams and other water bodies. Greens are monitoring whether the executive orders will provide more openings for them to challenge the cross-border permit process for the project.

The memo calls for a cross-border permit to be processed within 60 days using an environmental impact statement produced by the Obama State Department, which determined that the project would exacerbate climate change. Anthony Swift of the Natural Resources Defense Council said the project's National Environmental Protection Act process could also afford opportunities for challenge.

Environmental activists held out some hope that the threat of delays in the states and courts, coupled with changes in the economics of relatively expensive oil sands development, might influence the company to choose not to reapply.

But TransCanada said yesterday that it would prepare and submit an application.

"KXL creates thousands of well-paying construction jobs and would generate tens of millions of dollars in annual property taxes to counties along the route as well as more than \$3 billion to the U.S. GDP," TransCanada said in a statement. "With best-in-class technology and construction techniques that protect waterways and other sensitive environmental resources, KXL represents the safest, most environmentally sound way to connect the American economy to an abundant energy resource."

Trump also reiterated that the projects would be required to use U.S. steel, despite the fact that TransCanada has already purchased much of its product, and it was not produced stateside.

Trump wants U.S. to get a cut, but profit margin waning

Trump has long said he views the TransCanada project as an opportunity for dealmaking. In a May statement from the campaign trail, the then-nominee said he might "be asking for a big piece of the profits" from the KXL project.

Later that summer in an Iowa speech, he said the United States should receive "25 percent of the deal."



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"They're going to make a fortune," he predicted.

But profit margins for oil sands product have thinned since TransCanada proposed the project in 2008 as global oil prices have declined.

Alberta Premier Rachel Notley said this loss of revenue is one of the reasons Keystone XL would be so valuable to the northern Alberta oil sands industry, because it would make shipping the product less costly.

"The Alberta economy needs to be enjoying the benefits of a higher return for oil and gas," she said in a press conference in Calgary. "That is definitely something that will happen as a result of" KXL.

But that expectation may not be compatible with protectionist tariffs or border adjustment taxes paid to the United States. And Liberal Party Prime Minister Justin Trudeau might balk if the new U.S. president tries to use the project as leverage in upcoming negotiations over the North American Free Trade Agreement. Trudeau backs the project but has fended off criticism at home in recent weeks for saying Canada needs to shift its economy away from fossil fuel development.

Notley said she has seen an "evolution" in the way Trump has spoken about Canada in the last few days that has led her to believe he understands that the cost to the U.S.-Canadian relationship would be great if Trump tries to "untangle" the two nations' energy interests.

"Am I completely unconcerned? No," she said.

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12. NUCLEAR: Miners, downwinders health claims bill re-emerges

E & E News, Jan. 25 | Dylan Brown

Five Western senators yesterday resumed their push for expanding health care benefits for uranium miners and people exposed to radiation after above-ground nuclear weapons tests decades ago.

Sens. Mike Crapo (R-Idaho), Tom Udall (D-N.M.), Jim Risch (R-Idaho), Martin Heinrich (D-N.M.) and Michael Bennet (D-Colo.) put forward S. 197, the latest version of a measure to increase help provided to miners and "downwinders" still dealing with radiation-related illnesses (E&E Daily, Feb. 4, 2015).



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The Radiation Exposure Compensation Act currently only allows uranium miners who worked before 1971, when the U.S. government stopped buying uranium, to file claims for medical benefits and other compensation.

The senators' bill would extend that to 1990.

"Uranium mill workers, and uranium miners continue to cope with serious health problems due to exposure to radioactive nuclear material," Heinrich said in a statement.

The legislation also would add workers who helped remove uranium samples from the ground to the list of those eligible for compensation.

For surface nuclear testing, the bill also would make anyone in Idaho, Arizona, Colorado, Montana, Nevada, New Mexico and Utah who can show they were harmed by fallout eligible for RECA compensation.

"Congress has already expanded compensation to Utahns. It's time we did it for Idahoans and our neighbors," Crapo said in a statement.

The senators also put forward a Senate [resolution](#) marking Jan. 27, 2017, as a national day of remembrance for those affected by above-ground nuclear weapons testing.

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13. PUBLIC LANDS: Sportsmen plead with House members to preserve federal estate

E & E News, Jan. 25 | Jennifer Yachnin

A coalition of 20 sportsmen's groups issued a plea to House lawmakers yesterday to discourage would-be efforts to offload federal public lands, pointing to the chamber's adoption of rules earlier this month that designate federal land transfers as cost-free.

The missive sent to members of Congress yesterday urges lawmakers to "focus on constructive and inclusive solutions" when considering whether to acquire or dispose of public lands in the 115th Congress.

"American sportsmen and women, regardless of political affiliation, have been clear about how important public lands are to our ability to hunt, fish and recreate. Our country's public-lands legacy is fundamental to our national identity and state and local economies across the country,"



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National Wildlife Federation Western sportsmen's campaign manager Aaron Kindle said in a statement released with a copy of the letter.

He added, "Any efforts to dismantle that legacy, including the new House rule making it easier to sell or transfer public lands, will be relentlessly and adamantly opposed by hunters and anglers nationwide."

House Natural Resources Chairman Rob Bishop (R-Utah) dismissed criticism of the accounting rule change earlier this month, arguing it merely dissolves a requirement for his panel to find spending offsets or procure waivers.

Although the rule change would allow the House to ignore the cost of public lands — the Congressional Budget Office scores federal land conveyance bills by estimating the loss of revenue from activities like drilling, logging and grazing — Bishop contended the switch is not part of "a strategy" to dispose of public lands (E&E Daily, Jan. 6).

Democrats including Natural Resources Committee ranking member Raúl Grijalva of Arizona have argued that the CBO scores underestimate the value of public land and that the rule change will make it easier to pass legislation that hands off federal lands to states or tribes.

The NWF and other organizations made a similar assertion in their appeal to lawmakers, saying the rules change "profoundly undervalues our national public lands."

"By designating land-transfer legislation as budget-neutral, and eliminating existing safeguards against undervaluing public lands, our nation's greatest asset has been stripped of its true value. We want to be perfectly clear: American sportsmen and women are strongly opposed to giving away our public lands birthright," the letter states.

In addition to NWF, the letter is signed by the American Fly Fishing Trade Association, Backcountry Hunters & Anglers, the Hispanic Access Foundation, the Izaak Walton League of America, the National Bobwhite Conservation Initiative, the National Deer Alliance, the National Marine Manufacturers Association, the National Wildlife Refuge Association, the Outdoor Industry Association, the Pope and Young Club, Pheasants Forever, the Public Lands Foundation, Quail Forever, the Quality Deer Management Association, the Snook and Gamefish Foundation, the Theodore Roosevelt Conservation Partnership, Trout Unlimited, Whitetails Unlimited and the Wildlife Management Institute.

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14. REGULATIONS: Even before formal death knell, Clean Power Plan is history

E & E News, Jan. 25 | Geof Koss

President Trump's plan to use federal energy revenues to pay for infrastructure projects is raising budget questions among lawmakers on Capitol Hill, who nonetheless expressed bipartisan interest in learning more about the White House proposal.

As a candidate, Trump made clear that he would work to clear regulatory hurdles to boost domestic energy production, while also pledging a massive push to rebuild the crumbling infrastructure in the United States.

While there has been talk about using the tax code to stimulate private-sector investment in infrastructure, the new White House website that went up after Trump was sworn in Friday offered a clue as to how the administration envisions paying for a package that as a candidate he suggested could top \$1 trillion: oil and gas revenues.

"We must take advantage of the estimated \$50 trillion in untapped shale, oil, and natural gas reserves, especially those on federal lands that the American people own," states the White House's "America First Energy Plan." "We will use the revenues from energy production to rebuild our roads, schools, bridges and public infrastructure."

The link between energy revenues and infrastructure caught even members of the Senate Republican leadership off-guard.

Senate Republican Conference Chairman John Thune (R-S.D.), who in addition to holding the No. 3 spot in leadership also leads the Commerce, Science and Transportation Committee — one of several panels that would have jurisdiction over an infrastructure package — was unaware of the White House's position.

"That's an idea that's been out there for a while, but I hadn't heard that that's something they were proposing," he told E&E News on Monday. "I guess we'll find out."

Senate Majority Whip John Cornyn (R-Texas) was also unfamiliar with the White House plan, which he said is worth exploring.

"There are a lot of federal lands and there's a lot of oil and gas underneath the surface of those federal lands, so that is an untapped resource to be sure," he said in an interview Monday.



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However, the White House's plan caught the attention of at least one Senate Democrat — Maria Cantwell of Washington, the ranking member on the Energy and Natural Resources Committee — who was aware of it within hours of Trump's inauguration address.

"We're trying to find out" what the White House will propose, she told E&E News on Friday afternoon.

Sen. Martin Heinrich (D-N.M.) this week said he would withhold judgment on the White House's proposal until he learned more details, but noted that under current law, federal offshore energy revenues are supposed to fill the Land and Water Conservation Fund, while lease sales and royalties from onshore public lands are split roughly between the federal Treasury and the states where the resources are produced.

"If that's what they're proposing, you'd have to figure out how to replace that revenue for other ongoing activities," he said Monday. "We need to pay for stuff without gimmicks, that much I can say."

Sen. Ben Cardin (D-Md.), a senior member of the Environment and Public Works and Finance committees, echoed the point.

"Obviously we'd take a look at it, but if you're diverting funds, there isn't enough already, so we need revenues," he said yesterday.

'American Energy and Infrastructure'

Leaders of both parties drew their own lines in the sand Monday night when they huddled with Trump over meatballs to break the ice.

Senate Majority Leader Mitch McConnell (R-Ky.) insisted that any infrastructure package won't add to the deficit, while House Minority Leader Nancy Pelosi (D-Calif.) told Trump "it has to be real infrastructure" — not just tax breaks, which she said would in effect be a subsidy for the private sector, which then could charge taxpayers tolls.

Senate Minority Leader Chuck Schumer (D-N.Y.) has made no secret that he sees infrastructure as an issue that could split Trump and deficit-focused conservatives, challenging the president with the release of a \$1 trillion Democratic proposal yesterday (Greenwire, Jan. 24).



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"I've told him repeatedly, you're going to have to tell a lot of Republicans, particularly on the right wing, they're not going to get their way, and he acknowledged that," Schumer said yesterday.

He ignored a question from E&E News on whether Democrats would accept oil and gas revenues as a pay-for as he walked into the Senate chamber yesterday, but Schumer has previously said that repatriation of foreign profits by American firms is one viable way of paying for the bill.

"I think there probably is some appetite for that," Thune told reporters yesterday.

The White House did not respond to a request for comment on its infrastructure plans, but Trump infrastructure adviser Richard LeFrak told CNBC this week the administration's proposal could be cut to \$550 billion.

Asked about the cost yesterday, House Speaker Paul Ryan (R-Wis.) told reporters that "the size of the package will be determined by the fiscal space we create in our spring budget."

While conservative lawmakers and allied interest groups may bristle at a massive federal expenditure, the House in recent years has shown support for legislation linking oil and gas revenues to infrastructure projects.

In 2012, then-Speaker John Boehner (R-Ohio) led an effort to pay for a long-term transportation bill by cobbling together a number of bills that would open offshore areas and the Arctic National Wildlife Refuge to oil and gas drilling.

Dubbed the "American Energy and Infrastructure Jobs Act," the idea was a nonstarter in the Senate — then controlled by Democrats — but the exercise highlighted the inherent budget problems associated with using energy revenues as pay-fors.

At the time, the Congressional Budget Office estimated that the House package would generate only a few billion dollars in revenue, largely because of the lengthy time it takes to secure permits, explore and extract the resources, which would largely occur beyond the 10-year budget the office uses to assess deficit impacts of proposed legislation to comply with pay-as-you-go budgeting rules.

Sen. James Lankford (R-Okla.), a fiscal conservative who was a House member during the 2012 push, said CBO's scoring rules underestimated the economic impact the bill would have had because the office "wasn't able to look out over the horizon."



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He still sees merit in linking energy revenues with infrastructure.

"If we can get it to work and get the math to work, I don't have an issue with it," he told E&E News this week.

Sen. Bill Cassidy (R-La.), a member of the Energy and Finance committees, who also supported the 2012 package as a House member, said he still supports the underlying idea, which he called "the ultimate pay at the pump."

"It makes sense to me," he said Monday.

Further compounding the fiscal math is data released by the U.S. Energy Information Administration yesterday showing a continued decline in federal revenues from public lands resulting from low oil prices in recent years.

Democrats may see an opening for other pay-fors to plug the gap, such as a carbon tax, which Cardin suggested earlier this week. "Mr. Tillerson liked the carbon tax at one point," he said, laughing, referring to the past public support for the idea expressed by Trump's nominee for secretary of State, former Exxon Mobil Corp. CEO Rex Tillerson.

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15. **COAL: Groups press lawmakers to preserve stream rule**

E & E News, Jan. 25 | Dylan Brown

Environmental and community groups from across the country today demanded that pro-mining lawmakers drop plans to kill the Interior Department's new Stream Protection Rule.

The Office of Surface Mining Reclamation and Enforcement rule tightens water quality standards and monitoring requirements. A letter today signed by 73 national and local groups urges lawmakers not to void it.

"Legislation undermining the Stream Protection Rule would be a direct attack on ensuring that every community has access to clean, safe water," the letter says.

States and companies have sued OSMRE over what they call executive overreach (Greenwire, Jan. 18). And Republicans have proposed using the Congressional Review Act to "disapprove" the rule (E&E Daily, Jan. 6).



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A successful resolution of disapproval would eliminate the new standards and prohibit federal agencies from introducing any regulations "substantially the same."

The groups' letter said that such an "extreme" measure would keep OSMRE from fulfilling its mission to protect natural resources. "If anything, we need more protections for our vital water resources, not fewer," they wrote.

"Communities impacted by coal mining have been waiting for too long for updated rules, which will now provide them with some of the necessary tools to hold coal companies accountable," says the letter.

Companies and their lobbyists, who think the rule would help kill coal mining, have ridiculed OSMRE's contention that it may end up creating jobs.

But environmentalists say market trends are to blame for coal's woes. And they wrote, "It is vital that these commonsense, modest protections are kept in place to aid communities from Appalachia to Alaska."

House Majority Leader Kevin McCarthy (R-Calif.) penned an op-ed yesterday in The Wall Street Journal where he suggested the House could take up a resolution against the stream rule as soon as next week (Greenwire, Jan. 25).

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16. FEDERAL AGENCIES: Watchdog group sues BLM over land purchase records

E & E News, Jan. 25 | Jennifer Yachnin

The Cause of Action Institute today sued the Bureau of Land Management in federal court, demanding the agency turn over public records related to its acquisition of new lands.

The conservative watchdog group accused BLM of dragging its feet on a Freedom of Information Act request filed in August for records about recent land purchased in Arizona, Nevada and New Mexico.

According to the [complaint](#) filed in the U.S. District Court for the District of Columbia, COAI has asked a federal judge to direct BLM to issue a final determination on its document request and to require the agency to produce all relevant documents promptly.



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"When the Bureau of Land Management buys private land to add to the hundreds of millions of acres the federal government already owns, Americans have a right to know why," COAI Assistant Vice President Lee Steven said in a statement.

COAI has criticized BLM's ownership of more than 250 million acres of land nationwide, asserting in an announcement of its lawsuit: "Americans deserve to understand how and why the BLM wants to increase its control over land that could otherwise be used for private or state purposes."

The watchdog group is seeking purchase agreements, appraisals and communications related to land added in those three Western states.

Last spring, COAI similarly filed suit against then-White House counsel Neil Eggleston and 11 federal agencies over similar delays on its public records requests (Greenwire, May 10, 2016).

But District Judge Colleen Kollar-Kotelly dismissed a portion of that lawsuit last month, ruling that "the Court finds no factual support for Plaintiff's conclusions that [White House] review has been used as a politically-driven delay tactic divorced from legitimate review."

Kollar-Kotelly did order the agencies to submit a status of all of COAI's information act requests and estimated dates of final response.

Among the agencies named in the suit, court documents show that five agencies, including U.S. EPA and the Interior Department, have produced the records and final responses. The Energy Department is set to release documents and a final response by Feb. 15.

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17. **WHITE HOUSE: Environmental, land concerns follow Trump immigration orders**

E & E News, Jan. 25 | Geof Koss

President Trump today fulfilled a central campaign promise by signing an executive order directing the construction of a wall along the U.S.-Mexico border, the cost of which his spokesman said would be borne by Mexico.

The order, one of two Trump signed this afternoon, calls for the construction of "a large physical barrier on the southern border," White House press secretary Sean Spicer told reporters.



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"Building this barrier is more than just a campaign promise, it's a common-sense first step to really securing our porous border," Spicer said during the daily press briefing.

"This will stem the flow of drugs, crime, illegal immigration into the United States. And yes, one way or another, as the president has said before, Mexico will pay for it."

Trump himself told ABC News that construction on the wall will begin within months. It appears the administration intends to use existing funds initially and then work with Congress for more money.

Trump reiterated his campaign pledge that Mexico would reimburse the U.S. "at a later date from whatever transaction we make." The president said payment would come "in a form, perhaps a complicated form."

Trump's second order directs federal authorities to enforce a host of immigration laws and to withhold federal grant money from cities and states that provide "sanctuary" to illegal immigrants.

Jurisdictions that "willfully refuse" to comply with certain federal immigration requirements "are not eligible to receive federal grants, except as deemed necessary for law enforcement purposes" by the attorney general.

In a statement, House Speaker Paul Ryan (R-Wis.) applauded Trump's actions without mentioning the wall itself. "We are committed to working with the administration to stop the influx of illegal immigration along the southern border, protect our homeland, and uphold the rule of law," he said.

Congressional action

Congress has previously acted to expedite the construction of border barriers, including a 1996 law that authorized the federal government to build a fence in San Diego.

When construction stalled over environmental concerns raised by the California Coastal Commission, Congress intervened in 2005 to expedite construction by allowing the Department of Homeland Security to waive legal requirements.

House Natural Resources Chairman Rob Bishop (R-Utah) said last year that Congress would likely have to make changes to certain laws to clear the way for the wall, including because large swaths of the border are wilderness areas (Greenwire, July 18, 2016).



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Federal land agencies oversee more than 25 million acres within 100 miles of the U.S.-Mexico border, including six wildlife refuges, lands held in trust for four tribes, and a half-dozen national parks and Bureau of Land Management districts.

Bishop has also indicated he would like to see changes to a 2009 memorandum of agreement between Customs and Border Protection and the Interior and Agriculture departments on infrastructure and environmental issues along the border.

Trump's order contains language authorizing the Homeland Security secretary "in conjunction with the Secretary of Interior and any other heads of agencies as necessary" to take action to permit U.S. law employees to "have access to all federal lands as necessary and appropriate to implement this order."

A second provision gives federal workers authority to "perform such actions on federal lands as the secretary deems necessary and appropriate" to implement the order.

Environment, land

A [2009 Congressional Research Service report](#) noted that the Southwest border provides habitat to numerous threatened plant and animal species, something critics will likely focus on.

Also, while much of the land along the California and Arizona border is federally owned, private individuals own much of the land along the border in Texas.

That adds expense for acquisition and raises the question of whether the federal government will use eminent domain to secure land.

Sierra Club Executive Director Michael Brune slammed both of Trump's orders as "un-American." He said in a statement, "Like a hotel with his name in gold above the door, Trump's Mexican border wall would be an ugly monument to his ego.

"It will cost billions in U.S. taxpayer dollars, while causing flooding, and harm to border communities and wildlife. The plot to target immigrant families would shatter lives and shred the fabric of this country. It is an effort to undo local efforts to protect our friends, our neighbors, our colleagues, our families, and ourselves that will force millions to live in fear."

In a statement, League of Conservation Voters President Gene Karpinski called Trump's orders "profoundly sad and cynical actions [that] do nothing to address the real challenges facing our country. Our government's job is to protect people, not turn its back on them."



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18. POLITICS: Prepare to defend your work, Gingrich tells scientists

E & E News, Jan. 25 | Scott Waldman

Newt Gingrich, the former House speaker and longtime surrogate for President Trump, told a crowd of scientists and researchers that they should be prepared to defend their work to the Trump administration.

Gingrich told a crowd of more than 300 climate and health scientists at the National Council for Science and the Environment conference in Washington that they did not need to fear the administration. He said the changes being implemented by the Trump administration were an opportunity for scientists to seek private grants and to more strongly advocate for their areas of research.

"There is nothing wrong with having to explain and defend what you do. In a free society, it is totally legitimate," he said, adding, "But that doesn't mean we don't have the right to question every dollar, it doesn't mean we can't say, 'Aren't there ways we could be doing that better?'"

Many in the crowd were anxious about the Trump administration's expected approach to science, with reports that scientists at U.S. EPA and the Department of Agriculture had been muzzled from sharing their research with the public. Gingrich told them they should make more of an effort to communicate with the people they know, by taking them out to coffee, to share their knowledge.

Gingrich said scientists face "enormous opportunities" in their fields because of the amount of private capital that could be invested in research. He said that accumulated wealth around the world is at its highest level and that philanthropists were more willing than ever to invest in science. He cited Facebook's Mark Zuckerberg as an example.

When asked whether he thought the Trump administration would be receptive to the findings of climate scientists who have concluded humans are warming the Earth at an unprecedented rate, Gingrich said the discussion over climate change had been unfairly hijacked by environmentalists.

"I think one of the real tragedies that totally distorted the debate over climate change was that it got tied into the solution in a way that if you accepted the first, you had to accept the second, and I think that was profoundly wrong," he said.



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He said administration officials would be receptive to a business argument and cited Elon Musk's Tesla Motors Inc. as an example of a green company that showed environmental stewardship can be profitable.

"Sustainability, done properly, is profitable; resilience done correctly is profitable," he said.

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19. ENDANGERED SPECIES: Trump admin delays policy for voluntary conservation deals

E & E News, Jan. 25 | Emily Yehle

The Trump administration announced today that it will delay the implementation of a rule that changes the criteria for voluntary conservation agreements with landowners.

The delay is part of a mandatory freeze on a wide range of pending rules from the Obama administration (E&E Daily, Jan. 23).

The rule — from the Fish and Wildlife Service and the National Marine Fisheries Service — had an original effective date of Jan. 26. It will now be effective March 21, according to a [notice](#) in the Federal Register.

The rule aims to encourage additional landowners to enter into candidate conservation agreements, which allow them to avoid future regulatory restrictions by conserving habitat for declining species. CCAs are credited with preventing several species from being listed under the Endangered Species Act.

FWS and NMFS had cited confusion over a requirement under current regulations that the agreements "preclude or remove any need to list the covered species" when taking into account actions from "other necessary properties." That depended on other landowners taking additional action beyond the control of those in the agreement.

The new standard would require that CCAs provide a "net conservation benefit" to the species they cover (Greenwire, Dec. 23, 2016).

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20. COAL: Bipartisan lawmakers offer bill to aid laid-off miners

E & E News, Jan. 25 | Dylan Brown

Congressmen from both sides of the aisle yesterday floated a bill that would free up \$20 million to help retrain laid-off coal miners for new jobs.

Reps. Evan Jenkins (R-W.Va.), Mike Doyle (D-Pa.), Tim Ryan (D-Ohio) and Peter Welch (D-Vt.) introduced "Assisting America's Dislocated Miners Act," H.R. 663.

While the two political parties are split on the future of coal, all agree on the need to help coal communities recover from the stark decline of their central industry.

"While we fight to restore coal jobs in West Virginia and Appalachia, we must also provide for the miners who are out of work and for their families," Jenkins said in a statement.

The bill, identical to one introduced last session, would create a Dislocated Miners Assistance Program at the Department of Labor (E&E Daily, April 12, 2016). The program would identify eligible former miners and assess their skills. Then, \$20 million would be available each year for the next five years for suitable training programs.

In a statement, Ryan said, "As our energy sector evolves, it is our responsibility, not our choice, to make sure that miners in Ohio and across the country who have worked so hard are not left behind."

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